
MISSISSIPPI

ADVANCE SHEETS

2013 Legislative Session
General Laws



LexisNexis

MISSISSIPPI GENERAL LAWS ADVANCE SHEETS 2013

Regular Session

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PREFACE

Contents; publication schedule.

The 2013 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated*, and consist of a series of pamphlets issued during the 2013 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2013 Regular and 1st Extraordinary Sessions. This pamphlet, the third in the series, contains the remainder of the acts from the 2013 Regular and 1st Extraordinary Sessions. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 3 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code* ;
- a comprehensive, cumulative **Index** , with headings based on the headings that are used in the general index to the *Code*.

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the *Code*;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act

PREFACE

summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
 - "VRA" = Voting Rights Act
 - "App. Req." = Approval Required
- Under the heading "Code Sections"
 - "A" = Amended
 - "R" = Reenacted
 - "RA" = Reenacted and Amended
 - "RP" = Repealed
 - "BF" = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (* * *) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated*.

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2013 Legislative Session.

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Any such changes will be reflected in the 2013 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

Information, suggestions, comments, and questions.

Visit the LexisNexis website at <http://www.lexisnexis.com> to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 701 E Water St., Charlottesville, Virginia 22902-5389.

July 2013

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Summary of Acts

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of important legislation enacted during

2013 Legislative Session of the State of Mississippi

ABORTION

Act creates the women's health defense act of 2013, regarding providing or prescribing abortion-producing drugs. **SB 2795-Ch 551**

ACUPUNCTURISTS

Act requires criminal background checks for license applicants and extends the repeal date for the acupuncture practice act. **HB 1162-Ch 465**

ADOPTION

Act authorizes an income tax credit for qualified adoption expenses. **SB 2833-Ch 449**

AGRICULTURE

Act authorizes a certificate of free sale for agricultural products exported from state. **HB 552-Ch 509**

Act removes reversionary language in a provision in the fund that establishes a loan program for agribusinesses or greenhouse production horticultural enterprises. **SB 2436-Ch 386**

AIRCRAFT

Act authorizes the department of finance and administration to purchase liability insurance for state aircraft and also to sell aircraft and retain proceeds to purchase replacements. **SB 2681-Ch 547**

AIRPORTS

Act clarifies the venue for prosecution of offenses committed on airport authority property. **HB 279-Ch 341**

ALCOHOLIC BEVERAGES

Act authorizes tasting or sampling offered by a holder of a distiller's permit on the premises of the distillery. **HB 1300-Ch 352**

Act authorizes persons to make and transport homemade beer in certain circumstances. **SB 2183-Ch 345**

ATTEMPT TO COMMIT CRIME

Act provides sentencing for attempt to commit murder. **HB 28-Ch 510**

LEGISLATIVE SUMMARIES

AUCTIONEERS

Act reenacts and extends the repeal date for the auctioneers license act. **HB 1165-Ch 415**

AUDITOR OF STATE

Act deletes the repealers on selected sections. **HB 919-Ch 520**

Act appoints directors for the financial and compliance division and the investigations division. **HB 1256-Ch 545**

BAIL AND RECOGNIZANCE

Act provides that a felony warrant issued for nonappearance be entered into the NCIC. **HB 714-Ch 424**

Act provides that execution on a final judgment of forfeiture be stayed and forfeiture set aside if defendant appears during stay. **HB 714-Ch 424**

Act requires an examination of applicants for a soliciting bail agent or bail enforcement agent. **HB 749-Ch 423**

BANKS AND BANKING

Act requires that limitations on loans and extensions of credit to a single borrower take credit exposure from derivative transactions into consideration. **SB 2194-Ch 303**

BEES

Act exempts from sales and use tax the proceeds from sales of honey bees or apiary products. **SB 2244-Ch 498**

BOND ISSUES

Act provides that, when an expenditure of state funds involves bond proceeds, the searchable website must provide detailed information on the projects and payment on the bonds. **HB 478-Ch 418**

Act prohibits the issuance of state general obligation bonds for certain entities after the effective date of the act. **HB 1049-Ch 567**

Act authorizes the issuance of general obligation bonds for various state entities. **SB 2913-Ch 569**

BUDGETS

Act provides for the transfer of funds to the budget contingency fund from the motor vehicle ad valorem tax reduction fund. **HB 20-Ch 301**

Act provides for the transfer of funds to the budget contingency fund from miscellaneous funds. **HB 901-Ch 518**

LEGISLATIVE SUMMARIES

CAPITAL CASES

Act includes terrorism as an aggravating factor in sentencing for capital cases.
SB 2223-Ch 556

CHARTER SCHOOLS

Act enacts the charter schools act of 2013. **HB 369-Ch 497**

CHECK CASHERS ACT

Act provides for the repeal and reenactment of check cashers act. **HB 559-Ch 408**

CHILD ABUSE AND NEGLECT

Act enacts the Lonnie Smith act, revising the offense of felonious child abuse.
HB 1259-Ch 483

CHILD DEATH REVIEW PANEL

Act revises the membership for the panel and extends the repeal date for the panel. **HB 125-Ch 482**

CHILD PORNOGRAPHY

Act clarifies the state of mind required to constitute a knowing violation of the provision. **SB 2197-Ch 412**

CHILD SUPPORT

Act eliminates the requirement that the department of human services file an administrative income withholding notice with the court. **SB 2210-Ch 354**

Act provides that the child support guidelines are presumed to be reasonable where the adjusted gross income is between \$10,000 and \$100,000. **SB 2338-Ch 356**

CIGARETTES AND TOBACCO PRODUCTS

Act prohibits the distribution of alternative nicotine products to minors. **HB 613-Ch 355**

COLLEGES AND UNIVERSITIES

Act revises the course work requirements for recipients of tuition assistance grants. **HB 425-Ch 467**

Act authorizes higher education courses in gaming management and casino hospitality services. **SB 2499-Ch 327**

Act to amend the proprietary school and college registration law regarding definitions, the community college board, and students' right to file a complaint with the commission and recruitment provisions. **SB 2786-Ch 333**

LEGISLATIVE SUMMARIES

COMMERCIAL CODE

Act directs the secretary of state to publish the secured transactions chapter in print or online. **HB 85-Ch 368**

Act provides for the refusal or termination of false filings under the secured transactions chapter. **HB 1008-Ch 382**

Act implements various revisions and transitional provisions regarding perfection of interests and filing of statements. **SB 2609-Ch 451**

COMMUNITY AND JUNIOR COLLEGES

Act allows for the waiver of out-of-state tuition for nonresident students working for local businesses who will reimburse the college for the tuition. **HB 317-Ch 438**

COMPUTER FRAUD

Act defines computer networks to include the Internet for purposes of computer fraud. **HB 686-Ch 367**

CONCEALED WEAPONS

Act clarifies the definition of “concealed” and the general requirements for a license to carry concealed weapons. **HB 2-Ch 308**

Act exempts information about a licensee from the public records act. **HB 485-Ch 307**

CONVEYANCE SAFETY ACT

Act enacts minimum standards for conveyance personnel and services. **HB 817-Ch 405**

CORPORATIONS

Act corrects internal references to the model business corporation act and repeals a provision regarding changing the corporate form of a cooperative association. **SB 2684-Ch 419**

COSMETOLOGY

Act provides for general amendments and applicability to depilatory practices. **HB 1164-Ch 523**

Act requires licenses to contain photograph of license holder. **HB 1208-Ch 542**

COUNTIES

Act provides that counties may provide assistance to major economic impact authority projects within the county. **HB 1-Ch 1**

LEGISLATIVE SUMMARIES

Act prohibits local laws regulating how private employers pay their employees, including provisions regarding vacation and sick days. **HB 141-Ch 445**

Act prohibits certain convicted persons from serving on executive committees, and directs the county executive committee chairman to publish a call for a meeting. **HB 275-Ch 391**

Act authorizes localities to dispose of surplus property through a public auction. **HB 394-Ch 364**

Act sets out the procedures to challenge the qualifications of candidates for county election commissioner. **HB 533-Ch 406**

Act revises the qualifications for the county fire services coordinator. **HB 921-Ch 403**

Act provides that a locality or state entity may bear the full cost of processing electronic payments for retail merchandise sold by the locality or entity. **HB 1326-Ch 441**

Act authorizes charitable donations by the county to the YMCA. **HB 1515-Ch 396**

Act revises the time for a county to apply for designation as a redevelopment county under the economic redevelopment act. **SB 2147-Ch 486**

Act prohibits additional charges for payment of court costs by electronic methods. **SB 2447-Ch 344**

COUNTY COURTS

Act provides that the county court has jurisdiction over matters assigned to it by a judge of the circuit court within the same district. **HB 142-Ch 361**

Act authorizes boards of supervisors to establish county courts. **HB 943-Ch 383**

CRIMINAL FORFEITURES

Act provides for substitute notice of intended forfeitures under the controlled substance law by posting notice on a state government forfeiture website. **HB 240-Ch 484**

DEBT MANAGEMENT SERVICES

Act reenacts the debt management services act to extend the repeal date. **SB 2557-Ch 348**

LEGISLATIVE SUMMARIES

DELINQUENT CHILDREN

Act requires parent to provide an itemized bill of costs for medical expenses when child is adjudicated delinquent and committed by the youth court. **HB 1516-Ch 552**

DENTISTRY

Act enacts the rural dentists scholarship program. **HB 776-Ch 397**

DEVELOPMENT AUTHORITY

Act creates the job training grant fund and clarifies eligibility of grant recipients for certain tax credits. **HB 117-Ch 447**

Act creating the Mississippi energy sustainability and development act transfers certain functions to the authority. **HB 1296-Ch 538**

Act revises the time for the authority to make incentive payments under the economic redevelopment act. **SB 2147-Ch 486**

Act increases the time when the authority may make payments from the tourism project sales tax incentive fund. **SB 2463-Ch 558**

DOMESTIC VIOLENCE

Act clarifies the offenses of simple and aggravated domestic violence. **HB 709-Ch 565**

Act clarifies the membership for the domestic violence task force. **SB 2631-Ch 395**

DRIVERS' LICENSES

Act provides that an administrative suspension for driving under the influence of a drivers' license results in a one-year disqualification for a commercial drivers' license. **HB 90-Ch 454**

Act provides for ignition-interlock-restricted drivers' licenses. **HB 481-Ch 489**

Act increases the fee for reinstatement of a suspended or revoked license. **HB 1015-Ch 517**

DRIVING UNDER THE INFLUENCE

Act provides for ignition-interlock-restricted drivers' licenses and the potential for nonadjudication and expungement of first offenses. **HB 481-Ch 489**

DRUGS AND CONTROLLED SUBSTANCES

Act provides for substitute notice of intended forfeitures under the controlled substance law by posting notice on a state government forfeiture website. **HB 240-Ch 484**

LEGISLATIVE SUMMARIES

Act revises Schedule III of controlled substances to include anabolic steroids methasterone and prostanazol. **SB 2193-Ch 378**

ECONOMIC DEVELOPMENT HIGHWAY ACT

Act removes the repeal date from the provision defining a high economic benefit project. **HB 922-Ch 455**

ECONOMIC REDEVELOPMENT ACT

Act revises the time for incentive payments and for designation of locality as redevelopment area, and revises the definition of contaminated site to include brownfield sites. **SB 2147-Ch 486**

ELECTIONS

Act sets out the procedures to challenge the qualifications of candidates for county election commissioner. **HB 533-Ch 406**

Act revises the procedure to designate a judge to hear election contests. **HB 649-Ch 432**

Act provides for per diem compensation of election commissioners. **SB 2238-Ch 413**

Act provides for mileage reimbursement for managers or clerks using a privately owned motor vehicle to carry out their election duties. **SB 2239-Ch 366**

Act clarifies the requirements for a county election commissioner to seek other office during the term of their elected position. **SB 2308-Ch 474**

Act provides compensation for a county election commissioner performing the duties of an executive committee during a primary election. **SB 2311-Ch 456**

ELECTRONIC CIGARETTES

Act prohibits the distribution of alternative nicotine products to minors. **HB 613-Ch 355**

ELECTRONICS RECYCLING

Act requires the department of environmental quality to maintain a list of certified electronic recyclers. **SB 2754-Ch 351**

EMERGENCY MEDICAL SERVICES

Act provides for certification for EMT-paramedic critical care personnel. **SB 2202-Ch 311**

LEGISLATIVE SUMMARIES

EMERGENCY 911 TELEPHONE SERVICES

Act extends the repeal date on provisions regarding training of emergency telecommunicators. **HB 1080-Ch 404**

EMERGING CROPS FUND

Act removes reversionary language in a provision in the fund that establishes a loan program for agribusinesses or greenhouse production horticultural enterprises. **SB 2436-Ch 386**

EMPLOYMENT RELATIONS

Act prohibits local laws regulating how private employers pay their employees, including provisions regarding vacation and sick days. **HB 141-Ch 445**

ENERGY

Act directs that rating systems to determine high performance environmental buildings are not to exclude credits for certified forest products. **HB 488-Ch 401**

Act provides for a decreased sales tax rate for the sale of fuel to a producer of oil and gas used in enhanced oil recovery using carbon dioxide or the sequestration of carbon dioxide. **HB 841-Ch 310**

Act authorizes the public service commission to approve rate mitigation plans for newly constructed electric generating facilities. **HB 894-Ch 306**

Act requires compliance with the standards of American Society of Heating, Refrigeration and Air-Conditioning engineers for energy conservation. **HB 1266-Ch 539; HB 1281-Ch 536**

Act creates the Mississippi energy sustainability and development act. **HB 1296-Ch 538**

Act provides for the use of funds from the energy infrastructure loan program. **SB 2564-Ch 534**

ENGINEERS

Act amends provisions regarding a stipend program for civil engineering students who agree to work at the department of transportation for a certain amount of time. **HB 373-Ch 402**

EXPUNGEMENT OF RECORDS

Act authorizes expungement of felony convictions of persons who were minors at the time of conviction. **HB 1043-Ch 557**

LEGISLATIVE SUMMARIES

FAIRGROUNDS COMPLEX

Act authorizes the fair commission to hire and designate law enforcement officers for the state fairgrounds complex. **HB 770-Ch 357**

Act provides that the department of finance and administration may have jurisdiction to administer, maintain and oversee security and law enforcement of the state fairgrounds complex. **HB 770-Ch 357**

FARM TO SCHOOL PROGRAMS

Act creates the Interagency farm to school council to facilitate programs which promote the use of healthy, fresh food in school meals. **HB 718-Ch 464**

FIREARMS AND OTHER WEAPONS

Act clarifies the definition of “concealed” and the general requirements for a license to carry concealed weapons. **HB 2-Ch 308**

Act exempts information about a licensee from the public records act. **HB 485-Ch 307**

Act allows the spouse of an officer killed in the line of duty to purchase that officer's sidearm. **SB 2047-Ch 381**

Act provides for federal firearms reporting and a mechanism for a mental health patient to petition for relief from firearms disability after discharge from treatment. **SB 2647-Ch 384**

FIRE MARSHAL

Act provides for arrest and certain police powers for the state chief deputy fire marshal and other deputy fire marshals. **HB 437-Ch 360**

FISH AND GAME

Act authorizes the wildlife, fisheries and parks commission to provide hunting, fishing and recreational activities for wounded warriors. **HB 102-Ch 463**

Act reduces the fee for a resident combination small game hunting and fishing license and requires completion of a hunter education course. **HB 1001-Ch 501**

Act revises the requirements for resident, noncommercial freshwater fishing and establishes July 4 as a free fishing day. **HB 1002-Ch 471**

Act restricts the use of certain traps on public land, exempts from the license requirement trapping on private lands, and regulates raw fur and green pelts. **HB 1005-Ch 514**

LEGISLATIVE SUMMARIES

Act authorizes the use of weapons on private lands during open season with primitive weapons. **HB 1139-Ch 439**

Act assents to federal aid legislation to ensure the conservation of marine resources. **HB 1216-Ch 503**

Act includes wild hog control as part of the beaver control program. **HB 1260-Ch 440**

Act authorizes bow hunting during any open season for deer, turkey or small game. **SB 2048-Ch 343**

Act requires fish products to identify country of origin on labels. **SB 2513-Ch 371**

Act requires shellfish sanitation education courses as a prerequisite to issuance of a commercial fishing license. **SB 2580-Ch 450**

FOOD PRODUCT LABELING

Act prohibits the unlawful labeling of syrup products and provides for penalties for violations. **SB 2511-Ch 323**

Act requires fish products to identify country of origin on labels. **SB 2513-Ch 371**

Act exempts cottage food production operations from certain regulations. **SB 2553-Ch 481**

Act preempts local laws regarding consumer incentive items and nutrition labeling for food products. **SB 2687-Ch 370**

GAMBLING

Act prohibits the operation of Internet sweepstakes cafes. **HB 974-Ch 410**

Act authorizes higher education courses in gaming management and casino hospitality services. **SB 2499-Ch 327**

GRAND JURY

Act increases the number of grand jurors. **SB 2015-Ch 476**

GUARDIAN AND WARD

Act modifies the requirements for notice to creditors, reporting and disposition of assets. **HB 725-Ch 554**

Act creates a special general guardian, related to a minor who has no parent able to take responsibility for the minor. **SB 2375-Ch 339**

LEGISLATIVE SUMMARIES

HARBORS AND PORTS

Act enacts the Representative Jessica S. Upshaw memorial act, which revises the number of commissioners in a county port and harbor commission. **HB 750-Ch 502**

Act regulates the liability of certain vessel pilots and maintains pilotage fees at reasonable amounts. **SB 2781-Ch 328**

HEALTH CARE EXPENDABLE FUND

Act extends the repeal date. **HB 901-Ch 518**

HEALTH CARE INDUSTRY ZONES

Act authorizes the certification of zones where a facility is located near a university or college awarding degrees in health care or pharmaceutical fields of work. **HB 722-Ch 505**

HEALTH DISCOUNT PLANS

Act removes the sunset date from the requirements for health discount plans. **SB 2232-Ch 316**

HEALTH INSURANCE

Act requires use of a standardized form for prior authorizations for prescription drug benefits. **HB 301-Ch 508**

Act prohibits policy provisions restricting an insurer from assigning benefits to health care provider, allows for insured to direct insurer to pay health care provider directly, and prohibits provider from billing the insured for the balance. **HB 374-Ch 302**

Act sets out requirements for risk-based capital of health insurers. **HB 534-Ch 416**

Act provides for coverage of telemedicine services by insurers. **SB 2209-Ch 478**

HIGHWAYS

Act creates the Mississippi highway patrol fallen officers' memorial highway act, providing for designation of streets, and providing for signage and distinctive markers. **HB 225-Ch 342**

HISTORIC PRESERVATION

Act provides that the income tax credit for rehabilitation of historic structures is applicable to property on National Register of Historic Places. **HB 1003-Ch 504**

LEGISLATIVE SUMMARIES

HOME INSPECTOR REGULATORY BOARD

Act abolishes the board and transfers its functions to the real estate commission.
SB 2698-Ch 442

HOMELESS PERSONS

Act creates the interagency council on homelessness. **HB 482-Ch 448**

HOMICIDE

Act creates the offense of child homicide and provides for maximum term of imprisonment. **SB 2255-Ch 379**

HOSPITALS AND OTHER HEALTH FACILITIES

Act creates a moratorium on new hospice licenses. **HB 411-Ch 553**

Act extends the repeal date on provisions authorizing group purchasing programs with other hospitals or mental health centers for supplies and equipment. **HB 1169-Ch 444**

Act creates a lien in favor of burn care providers. **SB 2780-Ch 512**

HUMAN SERVICES DEPARTMENT

Act authorizes contracting with vendors to improve the service efficiency of the department. **HB 1009-Ch 515**

HUMAN TRAFFICKING

Act clarifies and expands on offense of human trafficking, and includes enterprise activity. **HB 673-Ch 543**

INFORMATION TECHNOLOGY SERVICES DEPARTMENT

Act authorizes the department to charge fees to vendors to recover the cost of providing procurement services. **HB 1132-Ch 430**

INSURANCE

Act creates management requirements of domestic insurers subject to registration. **HB 534-Ch 416**

Act includes health insurers under risk-based capital provisions. **HB 534-Ch 416**

Act provides that a disclaimer of affiliation be deemed as granted unless the commissioner notifies otherwise. **HB 534-Ch 416**

Act provides that insurer documents and materials are confidential. **HB 534-Ch 416**

Act requires financial or market analysis of insurers. **HB 534-Ch 416**

LEGISLATIVE SUMMARIES

Act revises certain notice and filing requirements. **HB 534-Ch 416**

Act sets out the minimum number of vehicles to be covered to purchase single-limit nonstacking uninsured motorist coverage. **HB 545-Ch 507**

Act revises the provisions pertaining to reciprocal insurance to allow additional entities to enter into contracts, and related provisions. **HB 748-Ch 459**

Act permits motor vehicle insurance card to be issued in paper or electronic form. **SB 2593-Ch 475**

Act increases the reward offered by the insurance commissioner for information concerning willful destruction of property by fire or explosion. **SB 2675-Ch 324**

JAILS

Act sets out the amount municipalities may charge misdemeanor offenders for jail costs. **HB 80-Ch 358**

Act authorizes the department of corrections to contract with the Kemper-Neshoba county/regional facility to house male offenders. **HB 578-Ch 422**

Act authorizes Lauderdale county to expend funds for a chaplain position in the county detention facility. **HB 1619-Ch 908**

JUSTICE COURTS

Act amends the annual training requirement for justice court clerks. **SB 2046-Ch 550**

LAW ENFORCEMENT OFFICERS

Act authorizes the fair commission to hire and designate law enforcement officers for the state fairgrounds complex. **HB 770-Ch 357**

Act clarifies the amount of time a law enforcement trainee may be employed in a full-time capacity. **HB 1485-Ch 425**

Act allows the spouse of an officer killed in the line of duty to purchase that officer's sidearm. **SB 2047-Ch 381**

LEAD-BASED PAINT

Act removes the opt-out provision for lead-based paint activities under the accreditation act. **SB 2688-Ch 338**

LEVEE COMMISSIONERS BOARD

Act authorizes entry onto property for surveying and other purposes. **SB 2730-Ch 532**

LEGISLATIVE SUMMARIES

LIVESTOCK

Act revises the criminal offense of theft of livestock. **HB 178-Ch 458**

LONNIE SMITH ACT

Act revises the offense of felonious child abuse. **HB 1259-Ch 483**

LOUISVILLE, CITY OF

Act creates a tax on the gross proceeds from hotel or motel room rentals, and creates a tourism economic advisory board. **HB 1595-Ch 907**

MAJOR ECONOMIC IMPACT AUTHORITY

Act makes general amendments to provisions, including amounts for issuance of bonds and tax exemptions. **HB 1-Ch 1**

MASSAGE THERAPISTS

Act revises provisions regarding qualifications of license applicants, requires display of licenses, exempts licensees from certain advertising restrictions, and revises provisions regarding accreditation of schools. **SB 2737-Ch 477**

MEDICAID

Act requires use of a standardized form for prior authorizations for prescription drug benefits. **HB 301-Ch 508**

Act provides courts with jurisdiction over the award of custody and authorizes reimbursement of Medicaid for the expenses of pregnancy and confinement of the mother. **SB 2010-Ch 527**

MEDICAL RADIATION TECHNOLOGY

Act revises the definition of limited x-ray machine operator and the number of members on the advisory council, extends the repealer date and requires documentation of continuing education. **HB 69-Ch 434**

MEDICAL SUPPLIES

Act exempts from sales and use tax the proceeds from sales of durable medical equipment of home medical supplies. **SB 2244-Ch 498**

MENTAL HEALTH DEPARTMENT

Act allows for contracting for the transfer of beds to other entities more appropriate for persons with intellectual disabilities. **SB 2342-Ch 443**

Act extends the repeal date for the best practices committee and the provision allowing for certain coordination of activities. **SB 2670-Ch 549**

LEGISLATIVE SUMMARIES

MILITARY AFFAIRS

Act authorizes children of military members to attend school in any district when the parents reside on a military base. **HB 879-Ch 473**

MILK AND MILK PRODUCTS

Act relocates the fall dairy show held in Marion County to Lamar County. **HB 64-Ch 349**

MISSISSIPPI HIGHWAY PATROL FALLEN OFFICERS' MEMORIAL HIGHWAY ACT

Act creates the Mississippi highway patrol fallen officers' memorial highway act, providing for designation of streets, and providing for signage and distinctive markers. **HB 225-Ch 342**

MISSISSIPPI INDUSTRIES FOR THE BLIND

Act designates the members of the board of directors and deletes the requirement that salaries of the board be approved by the state personnel board. **HB 525-Ch 336**

MISSISSIPPI STATE UNIVERSITY

Act provides for issuance of wireless devices to certain employees. **HB 508-Ch 452**

MORTGAGES AND DEEDS OF TRUST

Act provides that a violation of the S.A.F.E. mortgage act exemption for a person financing no more than 10 residential units in one year does not affect the title or obligations of the purchaser/borrower under the terms of the loan. **HB 1233-Ch 421**

Act revises the provisions regarding licensing for mortgage brokers, lenders and originators. **SB 2696-Ch 499**

MOTION PICTURE INCENTIVE ACT

Act includes computer and video games within the scope of the act, and provides for a rebate for employment of military veterans by production companies. **SB 2462-Ch 490**

MOTOR VEHICLES AND TRAFFIC REGULATION

Act provides that fines resulting from automated traffic enforcement systems in other states will not be recognized unless the state is a member of the driver license compact. **HB 91-Ch 340**

Act creates numerous special and distinctive license plates and provides for military decals for veterans. **HB 276-Ch560**

LEGISLATIVE SUMMARIES

Act sets out the minimum number of vehicles to be covered to purchase single-limit nonstacking uninsured motorist coverage. **HB 545-Ch 507**

Act clarifies that an electronic ticket filed under the uniform traffic ticket law is considered to be signed and sworn to by the law enforcement officer. **HB 1212-Ch 472**

Act repeals the requirement for a deposit of security for damages under the motor vehicle safety-responsibility act, and related provisions. **HB 1277-Ch 389**

Act requires that title and registration to be in name of a seller for sales of motor vehicles. **HB 1335-Ch 522**

Act sets out the requirements for a scrap vehicle certificate of title. **HB 1344-Ch 570**

Act authorizes the city of Pass Christian to allow the operation of low-speed vehicles and golf carts on public roads and streets. **HB 1675**

Act creates the traffic safety school committee. **SB 2383-Ch 529**

Act extends the repeal date regarding harvest permits for vehicles hauling certain products. **SB 2451-Ch 485**

Act revises the definition of off-road vehicle to certain include recreational vehicles. **SB 2457-Ch 330**

Act permits motor vehicle insurance card to be issued in paper or electronic form. **SB 2593-Ch 475**

MUNICIPALITIES

Act sets out the amount municipalities may charge misdemeanor offenders for jail costs. **HB 80-Ch 358**

Act prohibits local laws regulating how private employers pay their employees, including provisions regarding vacation and sick days. **HB 141-Ch 445**

Act prohibits certain convicted persons from serving on executive committees, and directs the county executive committee chairman to publish a call for a meeting. **HB 275-Ch 391**

Act authorizes localities to dispose of surplus property through a public auction. **HB 394-Ch 364**

Act provides that a locality or state entity may bear the full cost of processing electronic payments for retail merchandise sold by the locality or entity. **HB 1326-Ch 441**

LEGISLATIVE SUMMARIES

Act authorizes charitable donations by the county to the YMCA and farmers' markets. **HB 1515-Ch 396**

Act authorizes prosecution for tampering with electric, gas or water meters that are located outside the boundaries of the municipality. **HB 1519-Ch 435**

Act creates the alternative fuel school bus and municipal motor vehicle revolving loan fund for purposes of purchasing and converting vehicles to alternative fuels. **HB 1685-Ch 535**

Act revises the time to apply for designation as a redevelopment municipality under the economic redevelopment act. **SB 2147-Ch 486**

Act prohibits additional charges for payment of court costs by electronic methods. **SB 2447-Ch 344**

MURDER

Act provides sentencing for attempt to commit murder. **HB 28-Ch 510**

Act sets out the distinction between first and second degree murder. **SB 2377-Ch 555**

NATE ROGERS SCHOLARSHIP FOR STUDENTS WITH DISABILITIES

Act creates the speech-language therapy scholarship for students with speech-language impairments program. **HB 896-Ch 564**

OCCUPATIONAL LICENSING BOARDS

Act sets out provisions enabling licensing and certification for military members and their spouses. **SB 2419-Ch 350**

OIL AND NATURAL GAS SEVERANCE TAX

Act reduces the severance tax on oil and natural gas products produced from horizontally drilled wells. **HB 1698-Ch 533**

PARKS AND RECREATION

Act authorizes the department of wildlife, fisheries and parks to contract with electric companies to maintain electrical infrastructure within state parks. **HB 524-Ch 466**

PATERNITY PROCEEDINGS

Act changes an internal reference in a provision regarding jurisdiction over paternity proceedings to refer to the uniform interstate family support act. **HB 720-Ch 380**

LEGISLATIVE SUMMARIES

Act provides courts with jurisdiction over the award of custody and authorizes reimbursement of Medicaid for the expenses of pregnancy and confinement of the mother. **SB 2010-Ch 527**

PERSONNEL ADMINISTRATION SYSTEM

Act revises the qualifications for the state personnel director to allow a juris doctor degree instead of an MBA. **SB 2074-Ch 387**

PETROLEUM PRODUCTS

Act extends the repeal dates on inspection laws relating to definitions and violations of provisions. **HB 1161-Ch 372**

Act reduces the severance tax on oil and natural gas products produced from horizontally drilled wells. **HB 1698-Ch 533**

PHARMACISTS AND PHARMACIES

Act extends the repealer for the licensure of pharmacy benefit managers and revises the definition to conform to pharmacy audit integrity act. **HB 777-Ch 541**

PHYSICIAN ASSISTANTS

Act extends the repeal date on the provision authorizing a temporary license for an applicant lacking a master's degree. **HB 134-Ch 433**

PHYSICIANS AND SURGEONS

Act allows for the waiver of the five-year limitation on limited institutional licenses for graduates of a foreign medical school. **SB 2082-Ch 492**

Act authorizes telemedicine services, including treatment recommendations. **SB 2209-Ch 478**

Act removes the limitation on the number of students admitted per year to the rural physician scholarship program. **SB 2302-Ch 491**

Act creates a lien in favor of burn care providers. **SB 2780-Ch 512**

PORT AUTHORITY

Act extends the repeal date on provisions authorizing the state port authority to use design-build method of contracting. **HB 129-Ch 347**

PRISONS AND PRISONERS

Act creates the corrections and criminal justice task force. **HB 1231-Ch 524**

Act authorizes the incarceration of federal inmates at the Leflore county correctional facility. **SB 2547-Ch 480**

LEGISLATIVE SUMMARIES

PROPERTY TAXES

Act revises the provision regarding notice of a tax sale and expiration of the time for redemption. **SB 2111-Ch 365**

Act clarifies the date when the ad valorem tax exemption takes effect for licensed free port warehouses. **SB 2536-Ch 325**

Act excludes from the definition of home or homestead, for purposes of the homestead exemption, a lease for a person who is physically or mentally unable to care for themselves. **SB 2816-Ch 409**

Act extends the exemption for equipment sold to telecommunications companies used for deploying broadband technologies. **SB 2829-Ch 462**

PROSTITUTION

Act expands on offense and sets out the offense of procuring the services of a prostitute. **HB 673-Ch 543**

PUBLIC BUILDINGS

Act directs that rating systems to determine high performance environmental buildings are not to exclude credits for certified forest products. **HB 488-Ch 401**

Act requires compliance with the standards of American Society of Heating, Refrigeration and Air-Conditioning engineers for energy conservation. **HB 1266-Ch 539**

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Act clarifies the procedures and options for investment of system funds. **HB 990-Ch 428**

Act excludes from the definition of earned compensation the value of maintenance or in-kind benefits provided to the employee. **HB 1174-Ch 414**

Act authorizes counties to pay contributions on the net fee income of county constables. **SB 2405-Ch 488**

PUBLIC OFFICERS AND EMPLOYEES

Act requires state departments and officials to update Internet information about the agency or elected office. **HB 480-Ch 369**

Act prohibits the hiring of convicted embezzlers for public employment. **SB 2625-Ch 528**

LEGISLATIVE SUMMARIES

PUBLIC PURCHASING AND CONTRACTING

Act requires that a purchasing certification program be required of all purchasing officials at state agencies. **HB 502-Ch 362**

Act prohibits a surcharge against a buyer using a state-issued credit, procurement, travel or fuel card. **HB 964-Ch 394**

Act limits the exemption from bidding for certain prison industry products purchases. **HB 1293-Ch 519**

Act authorizes purchasing offices to the location of a bidder's local office and inventory as a factor in the best value calculation. **SB 2073-Ch 390**

PUBLIC UTILITIES

Act authorizes the public service commission to approve rate mitigation plans for newly constructed electric generating facilities. **HB 894-Ch 306**

Act creates the public utility rate mitigation and reduction act. **HB 1134-Ch 305**

Act authorizes prosecution for tampering with electric, gas or water meters that are located outside the boundaries of the municipality. **HB 1519-Ch 435**

Act revises the exemption from the requirement of a certificate of convenience and necessity where more than one utility is operating within a municipality. **SB 2231-Ch 321**

Act clarifies that the commission does not have jurisdiction over certain internal affairs or water and sewer utilities. **SB 2322-Ch 526**

Act reenacts certain sections relating to the public service commission to extend the repeal date. **SB 2567-Ch 332**

PUBLIC WORKS CONTRACTS

Act sets out requirements for submission of an employment plan, certificate of compliance and hiring of in-state residents. **SB 2528-Ch 479**

REAL PROPERTY SALES

Act provides that real estate licensees are not required to warrant, guarantee, or independently investigate the size or area of the subject property. **SB 2171-Ch 500**

RECORDATION OF DOCUMENTS

Act provides for recordation of an affidavit of scrivener's error for typographical or minor errors in recorded instrument affecting title to real estate. **HB 928-Ch 461**

LEGISLATIVE SUMMARIES

Act creates the criminal offense of offering a false instrument against a public servant. **SB 2385-Ch 530**

RELOCATION ASSISTANCE

Act increases the amount of payments to entities displaced by government projects. **HB 436-Ch 468**

RETAIL CONTRACTS

Act exempts certain vehicles from the repurchase of inventory upon termination of a contract. **HB 387-Ch 457**

SALES AND USE TAX

Act lowers the number of jobs required to qualify for exemption for component materials used in the construction of a headquarters building. **HB 591-Ch 571**

Act provides for a decreased tax rate for the sale of fuel to a producer of oil and gas used in enhanced oil recovery using carbon dioxide or the sequestration of carbon dioxide. **HB 841-Ch 310**

Act provides for exemption for the sale of energy or fuel to certain manufacturers or processors. **HB 844-Ch 537**

Act sets out the timeline by which examination of tax returns must be completed, and provides for audit procedures. **HB 892-Ch 470**

Act authorizes a discount and retention of tax liability for compliance with local laws regarding the collection and payment of taxes. **HB 1285-Ch 420**

Act defines manufacture and manufacturing to include certain activities of scrap metal recyclers. **HB 1680-Ch 469**

Act exempts from the proceeds from sales of school fundraising items, home medical equipment, and honey bees or other apiary products. **SB 2244-Ch 498**

Act includes cultural retail attractions in the sales tax incentive program for tourism projects. **SB 2806-Ch 304**

Act extends the exemption for equipment sold to telecommunications companies used for deploying broadband technologies. **SB 2829-Ch 462**

SCHOLARSHIPS

Act revises the number of eligible students for the dyslexia education scholarship program. **HB 672-Ch 429**

Act creates the speech-language therapy scholarship for students with speech-language impairments program. **HB 896-Ch 564**

LEGISLATIVE SUMMARIES

Act removes the limitation on the number of students admitted per year to the rural physician scholarship program. **SB 2302-Ch 491**

SCHOOLS AND EDUCATION

Act permits the use of school buses to transport citizens to historic commemorative events at military facilities. **HB 74-Ch562**

Act provides that absences from school for 4-H and FFA activities are excused. **HB 74-Ch562**

Act enacts the charter schools act of 2013. **HB 369-Ch 497**

Act repeals provisions regarding filing of copies of bylaws and amendments under the compact for education. **HB 461-Ch 417**

Act creates the commission on Starkville consolidated school district structure. **HB 716-Ch 572**

Act creates the Interagency farm to school council to facilitate farm to school programs which promote the use of healthy, fresh food in school meals. **HB 718-Ch 464**

Act authorizes children of military members to attend school in any district when the parents reside on a military base. **HB 879-Ch 473**

Act provides for special elections for the filling of vacancies in districts under conservatorship where no school board members remain at the time of district reorganization. **HB 975-Ch 331**

Act requires that a child who is absent for more than 37% of instructional day be considered as absent for the entire day. **HB 1530-Ch 559**

Act creates the alternative fuel school bus and municipal motor vehicle revolving loan fund for purposes of purchasing and converting buses to alternative fuels. **HB 1685-Ch 535**

Act extends the existence of the task force to study strategies for solving the teacher shortage. **SB 2138-Ch 566**

Act requires school boards to promulgate rules concerning financial reports from the superintendent. **SB 2138-Ch 566**

Act sets out the timing for payments of salaries to school employees and payments from the adequate education program fund. **SB 2138-Ch 566**

Act provides for a nontraditional teaching route to obtaining a standard teaching license. **SB 2188-Ch 496**

LEGISLATIVE SUMMARIES

Act exempts from sales and use tax the proceeds from sales of fundraising items. **SB 2244-Ch 498**

Act creates the literacy-based promotion act for first through third grade students. **SB 2347-Ch 495**

Act creates the traffic safety school committee. **SB 2383-Ch 529**

Act directs the state to implement a prekindergarten program, to be known as the early learning collaborative act of 2013. **SB 2395-Ch 493**

Act requires that a single A through F system to be implemented for school accreditation. **SB 2396-Ch 563**

Act enacts the Mississippi student religious liberties act of 2013. **SB 2633-Ch 334**

Act creates the West Point consolidated school district. **SB 2637-Ch 568**

Act creates the Mississippi education works program. **SB 2658-Ch 494**

Act creates the Mississippi community oriented policing services in schools (MCOPS) grant program. **SB 2659-Ch 546**

Act provides for special elections for the filling of vacancies in districts under conservatorship where no school board members remain at the time of district reorganization. **SB 2779-Ch 363**

SECURED TRANSACTIONS

Act directs the secretary of state to publish the secured transactions chapter in print or online. **HB 85-Ch 368**

Act provides for the refusal or termination of false filings. **HB 1008-Ch 382**

Act implements various revisions and transitional provisions regarding perfection of interests and filing of statements. **SB 2609-Ch 451**

SEED SALES

Act removes a requirement that quarterly reports be notarized, increases the fine for violations of provisions, and provides for administrative proceedings for violations. **HB 751-Ch 407**

SEX OFFENSES

Act requires reporting of sex crimes against minors and filing of charges by law enforcement on behalf of the victim. **HB 151-Ch511**

Act creates the Erin's law study committee to study implementation of a curriculum for the prevention of sexual abuse of children. **SB 2133-Ch 525**

LEGISLATIVE SUMMARIES

Act creates Lenora's law, which provides for electronic tracking of sex offenders, and generally amends the offender registration requirements. **SB 2732-Ch 521**

SOUTHERN ARTS AND ENTERTAINMENT CENTER

Act changes the name to the Mississippi arts and entertainment center. **HB 135-Ch 460**

SPECIAL FUELS TAX

Act exempts fuel sold for use by a commercial airline for new interstate air service by a new carrier in the market. **SB 2847-Ch 411**

STATE DEPARTMENTS AND AGENCIES

Act requires state departments and officials to update Internet information about the agency or elected office. **HB 480-Ch 369**

Act provides for issuance of wireless devices to certain employees of Mississippi State University. **HB 508-Ch 452**

Act requires that websites of state entities include a legislative update section on legislation affecting the powers or duties of that entity. **HB 1243-Ch 453**

Act requires the reporting of transactions for conveyances of real property to department of finance and administration. **HB 1265-Ch 399**

Act provides that a locality or state entity may bear the full cost of processing electronic payments for retail merchandise sold by the locality or entity. **HB 1326-Ch 441**

Act requires notice of regular meetings to be posted on department website. **SB 2070-Ch 388**

Act authorizes the issuance of general obligation bonds for various state entities. **SB 2913-Ch 569**

STRENGTHENING MISSISSIPPI ACADEMIC RESEARCH THROUGH BUSINESS ACT

Act authorizes tax rebates for investors incurring research costs subject to a research agreement. **HB 826-Ch 540**

SYRUP PRODUCTS

Act prohibits the unlawful labeling of syrup products and provides for penalties for violations. **SB 2511-Ch 323**

LEGISLATIVE SUMMARIES

TAXATION

Act creates the job training grant fund and clarifies eligibility of grant recipients for certain tax credits. **HB 117-Ch 447**

Act sets out the timeline by which examination of tax returns must be completed. **HB 892-Ch 470**

Act amends the qualified equity investment tax credit program. **HB 934-Ch 506**

Act provides that the income tax credit for rehabilitation of historic structures is applicable to property on National Register of Historic Places. **HB 1003-Ch 504**

Act creates a tax on the gross proceeds from hotel or motel room rentals in the city of Louisville. **HB 1595-Ch 907**

Act authorizes an income tax credit for qualified adoption expenses. **SB 2833-Ch 449**

TELEMARKETERS

Act reenacts the telephone solicitation act to extend the repeal date. **SB 2787-Ch 322**

TERRORISM

Act includes terrorism as an aggravating factor in sentencing for capital cases. **SB 2223-Ch 556**

TORT CLAIMS ACT

Act includes volunteer firefighters and fire departments within the scope of the act. **SB 2751-Ch 385**

TOURISM PROJECT SALES TAX INCENTIVE FUND

Act increases the time when the development authority may make payments from the fund. **SB 2463-Ch 558**

TRANSPORTATION COMMISSION

Act revises the threshold amount of projects which may use the design-build method of contracting. **HB 261-Ch 431**

Act authorizes the commission to receive funds for educational scholarships in transportation related fields of study. **HB 436-Ch 468**

LEGISLATIVE SUMMARIES

TRANSPORTATION DEPARTMENT

Act amends provisions regarding a stipend program for civil engineering students who agree to work at the department of transportation for a certain amount of time. **HB 373-Ch 402**

Act authorizes the department to transfer certain property in Perry county to the United States forest service. **SB 2418-Ch 319**

UNEMPLOYMENT COMPENSATION

Act provides for general amendments regarding benefit eligibility and waiting period, administration of and amount of funds, setoffs against income tax refunds, and charges against employers for taxes and failure to respond to department requests. **HB 932-Ch 309**

UNIVERSITY OF SOUTHERN MISSISSIPPI

Act authorizes the use of bond proceeds for the purchase of a vessel for the Gulf Coast research laboratory. **SB 2728-Ch 353**

Act provides for the sale of certain university property by the department of finance and administration. **SB 2811-Ch 400**

URBAN FLOOD AND DRAINAGE CONTROL DISTRICTS

Act revises provisions regarding formation of a district, the powers of a district and the board of directors, requires compliance with state purchasing laws, and sets out procedures for issuance of revenue bonds. **SB 2674-Ch 436**

VETERANS

Act authorizes the wildlife, fisheries and parks commission to provide hunting, fishing and recreational activities for wounded warriors. **HB 102-Ch 463**

VICTIMS OF CRIME

Act sets out grounds for when crime victim compensation is not to be awarded. **HB 710-Ch 376**

WASTEWATER DISPOSAL SYSTEMS

Act reenacts and generally revises the individual on-site wastewater disposal law. **HB 719-Ch 513**

Act provides that a member of a rural water association has a right to attend meetings. **SB 2322-Ch 526**

WATERS OF THE STATE

Act defines the boundaries of the territorial waters of the state. **HB 1072-Ch 398**

LEGISLATIVE SUMMARIES

WEIGHTS AND MEASURES

Act provides civil administrative penalties for violations of provisions. **HB 772-Ch 446**

WILDLIFE, FISHERIES AND PARKS DEPARTMENT

Act provides for the transfer of real property from the department to the state veterans affairs board. **SB 2446-Ch 320**

WIND

Act extends the repeal date regarding safety marking requirements for anemometer towers. **SB 2769-Ch 329**

WRONGFUL DEATH

Act sets out an exclusive list of persons who may bring an action for wrongful death. **HB 477-Ch 548**

YOUTH COURT

Act defines financially able, for the purposes of obtaining a court-appointed attorney. **HB 1441-Ch 426**

Act requires parent to provide an itemized bill of costs for medical expenses when child is adjudicated delinquent and committed by the youth court. **HB 1516-Ch 552**

Act provides for conformance to the rules of appellate procedure for appeals from the youth court to the supreme court. **SB 2076-Ch 359**

Act allows for adults to obtain copies of their own youth court records. **SB 2388-Ch 531**

CUMULATIVE ALLOCATION OF ACTS TABLE

2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
1				
§ 1	57-75-5	HB 1	Amended	AP-Apr. 28, 2013
§ 2	57-75-9	HB 1	Amended	AP-Apr. 28, 2013
§ 3	57-75-11	HB 1	Amended	AP-Apr. 28, 2013
§ 4	57-75-15	HB 1	Amended	AP-Apr. 28, 2013
§ 5	57-75-33	HB 1	Amended	AP-Apr. 28, 2013
§ 6	57-75-37	HB 1	Amended	AP-Apr. 28, 2013
§ 7	57-99-1	HB 1	Amended	AP-Apr. 28, 2013
§ 8	27-7-30	HB 1	Amended	AP-Apr. 28, 2013
§ 9	27-31-104	HB 1	Amended	AP-Apr. 28, 2013
§ 10	27-65-101	HB 1	Amended	AP-Apr. 28, 2013
§ 11	31-19-25	HB 1	Amended	AP-Apr. 28, 2013
§ 12	43-37-3	HB 1	Amended	AP-Apr. 28, 2013
§ 13	21-1-59	HB 1	Amended	AP-Apr. 28, 2013
§ 14	27-31-1	HB 1	Amended	AP-Apr. 28, 2013
§ 15		HB 1	Eff date	AP-Apr. 28, 2013
301				
§ 1	Classification Pending	HB 20	Classification Pending	AP-Mar. 6, 2013
§ 2		HB 20	Eff date	AP-Mar. 6, 2013
302				
§ 1	83-9-3	HB 374	Amended	July 1, 2013
§ 2	83-9-5	HB 374	Amended	July 1, 2013
§ 3		HB 374	Eff date	July 1, 2013
303				
§ 1	81-5-77	SB 2194	Amended	AP-Feb. 19, 2013
§ 2		SB 2194	Eff date	AP-Feb. 19, 2013
304				
§ 1	57-26-1	SB 2806	Amended	July 1, 2013
§ 2		SB 2806	Eff date	July 1, 2013
305				
§ 1	Classification Pending	HB 1134	Classification Pending	AP-Feb. 26, 2013
§ 2	Classification Pending	HB 1134	Classification Pending	AP-Feb. 26, 2013
§ 3	77-3-111	HB 1134	Added	AP-Feb. 26, 2013
§ 4	77-3-113	HB 1134	Added	AP-Feb. 26, 2013
§ 5	77-3-115	HB 1134	Added	AP-Feb. 26, 2013
§ 6	77-3-117	HB 1134	Added	AP-Feb. 26, 2013
§ 7	77-3-119	HB 1134	Added	AP-Feb. 26, 2013

CUMULATIVE ALLOCATION OF ACTS TABLE

2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 8	77-3-121	HB 1134	Added	AP-Feb. 26, 2013
§ 9	77-3-123	HB 1134	Added	AP-Feb. 26, 2013
§ 10	77-3-125	HB 1134	Added	AP-Feb. 26, 2013
§ 11	77-3-127	HB 1134	Added	AP-Feb. 26, 2013
§ 12	Classification Pending	HB 1134	Classification Pending	AP-Feb. 26, 2013
§ 13		HB 1134	Eff date	AP-Feb. 26, 2013
306				
§ 1	77-3-106	HB 894	Added	AP-Feb. 26, 2013
§ 2	Classification Pending	HB 894	Classification Pending	AP-Feb. 26, 2013
§ 3		HB 894	Eff date	AP-Feb. 26, 2013
307				
§ 1	25-61-11.1	HB 485	Added	AP-Mar. 4, 2013
§ 2	45-9-101	HB 485	Amended	AP-Mar. 4, 2013
§ 3		HB 485	Eff date	AP-Mar. 4, 2013
308				
§ 1	97-37-1	HB 2	Amended	July 1, 2013
§ 2	97-37-15	HB 2	Amended	July 1, 2013
§ 3	97-37-19	HB 2	Amended	July 1, 2013
§ 4	45-9-101	HB 2	Amended	July 1, 2013
§ 5		HB 2	Eff date	July 1, 2013
309				
§ 1	71-5-5	HB 932	Amended	AP-Mar. 6, 2013
§ 2	71-5-7	HB 932	Amended	AP-Mar. 6, 2013
§ 3	71-5-11	HB 932	Amended	AP-Mar. 6, 2013
§ 4	71-5-19	HB 932	Amended	AP-Mar. 6, 2013
§ 5	71-5-351	HB 932	Amended	AP-Mar. 6, 2013
§ 6	71-5-353	HB 932	Amended	AP-Mar. 6, 2013
§ 7	71-5-355	HB 932	Amended	AP-Mar. 6, 2013
§ 8	71-5-367	HB 932	Amended	AP-Mar. 6, 2013
§ 9	71-5-389	HB 932	Amended	AP-Mar. 6, 2013
§ 10	71-5-453	HB 932	Amended	AP-Mar. 6, 2013
§ 11	71-5-455	HB 932	Amended	AP-Mar. 6, 2013
§ 12	71-5-505	HB 932	Amended	AP-Mar. 6, 2013
§ 13	71-5-511	HB 932	Amended	AP-Mar. 6, 2013
§ 14	71-5-13	HB 932	Amended	AP-Mar. 6, 2013
§ 15	71-5-357	HB 932	Amended	AP-Mar. 6, 2013
§ 16	71-5-361	HB 932	Amended	AP-Mar. 6, 2013
§ 17	71-5-501	HB 932	Amended	AP-Mar. 6, 2013
§ 18		HB 932	Eff date	AP-Mar. 6, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
310				
§ 1	27-65-19	HB 841	Amended	July 1, 2013
§ 2	Classification Pending	HB 841	Classification Pending	July 1, 2013
§ 3		HB 841	Eff date	July 1, 2013
311				
§ 1	41-60-11	SB 2202	Amended	July 1, 2013
§ 2	41-59-35	SB 2202	Amended	July 1, 2013
§ 3		SB 2202	Eff date	July 1, 2013
312				
§ 1	Classification Pending	SB 2613	Classification Pending	AP-Mar. 7, 2013
§ 2		SB 2613	Eff date	AP-Mar. 7, 2013
313				
§ 1	Classification Pending	SB 2491	Classification Pending	AP-Mar. 7, 2013
§ 2		SB 2491	Eff date	AP-Mar. 7, 2013
314				
§ 1	65-3-71.102	SB 2496	Amended	AP-Mar. 7, 2013
§ 2		SB 2496	Eff date	AP-Mar. 7, 2013
315				
§ 1	Classification Pending	SB 2039	Classification Pending	AP-Mar. 7, 2013
§ 2		SB 2039	Eff date	AP-Mar. 7, 2013
316				
§ 1	83-64-1	SB 2232	Amended	July 1, 2013
§ 2		SB 2232	Eff date	July 1, 2013
317				
§ 1	Classification Pending	SB 2040	Classification Pending	July 1, 2013
§ 2		SB 2040	Eff date	July 1, 2013
318				
§ 1	Classification Pending	SB 2042	Classification Pending	July 1, 2013
§ 2		SB 2042	Eff date	July 1, 2013
319				
§ 1	Classification Pending	SB 2418	Classification Pending	AP-Mar. 7, 2013
§ 2		SB 2418	Eff date	AP-Mar. 7, 2013
320				
§ 1	Classification Pending	SB 2446	Classification Pending	AP-Mar. 7, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 2	Classification Pending	SB 2446	Classification Pending	AP-Mar. 7, 2013
§ 3		SB 2446	Eff date	AP-Mar. 7, 2013
321				
§ 1	77-3-15	SB 2231	Amended	AP-Mar. 7, 2013
§ 2	77-3-5	SB 2231	Amended	AP-Mar. 7, 2013
§ 3		SB 2231	Eff date	AP-Mar. 7, 2013
322				
§ 1	77-3-701	SB 2787	Reenacted	July 1, 2013
§ 2	77-3-703	SB 2787	Reenacted	July 1, 2013
§ 3	77-3-705	SB 2787	Reenacted	July 1, 2013
§ 4	77-3-707	SB 2787	Reenacted	July 1, 2013
§ 5	77-3-709	SB 2787	Reenacted	July 1, 2013
§ 6	77-3-711	SB 2787	Reenacted	July 1, 2013
§ 7	77-3-713	SB 2787	Reenacted	July 1, 2013
§ 8	77-3-715	SB 2787	Reenacted	July 1, 2013
§ 9	77-3-717	SB 2787	Reenacted	July 1, 2013
§ 10	77-3-719	SB 2787	Reenacted	July 1, 2013
§ 11	77-3-721	SB 2787	Reenacted	July 1, 2013
§ 12	77-3-723	SB 2787	Reenacted	July 1, 2013
§ 13	77-3-725	SB 2787	Reenacted	July 1, 2013
§ 14	77-3-727	SB 2787	Reenacted	July 1, 2013
§ 15	77-3-729	SB 2787	Reenacted	July 1, 2013
§ 16	77-3-731	SB 2787	Reenacted	July 1, 2013
§ 17	77-3-733	SB 2787	Reenacted	July 1, 2013
§ 18	77-3-735	SB 2787	Reenacted	July 1, 2013
§ 19	77-3-737	SB 2787	Amended	July 1, 2013
§ 20		SB 2787	Eff date	July 1, 2013
323				
§ 1	75-29-201	SB 2511	Amended	July 1, 2013
§ 2	75-29-203	SB 2511	Amended	July 1, 2013
§ 3	75-29-205	SB 2511	Amended	July 1, 2013
§ 4	75-29-211	SB 2511	Amended	July 1, 2013
§ 5	Classification Pending	SB 2511	Classification Pending	July 1, 2013
§ 6	75-29-207	SB 2511	Repealed	July 1, 2013
§ 7		SB 2511	Eff date	July 1, 2013
324				
§ 1	83-1-35	SB 2675	Amended	July 1, 2013
§ 2		SB 2675	Eff date	July 1, 2013
325				
§ 1	27-31-53	SB 2536	Amended	AP-Mar. 7, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date	
326	§ 2	SB 2536	Eff date	AP-Mar. 7, 2013	
	§ 1	Classification Pending	SB 2233	Classification Pending	July 1, 2013
	§ 2	Classification Pending	SB 2233	Classification Pending	July 1, 2013
	§ 3		SB 2233	Eff date	July 1, 2013
327	§ 1	75-76-34	SB 2499	Amended	July 1, 2013
	§ 2	75-76-55	SB 2499	Amended	July 1, 2013
	§ 3	37-101-13	SB 2499	Amended	July 1, 2013
	§ 4	37-29-1	SB 2499	Amended	July 1, 2013
	§ 5	37-29-63	SB 2499	Amended	July 1, 2013
	§ 6		SB 2499	Eff date	July 1, 2013
	328	§ 1	Classification Pending	SB 2781	Classification Pending
§ 2		59-1-42	SB 2781	Added	July 1, 2013
§ 3			SB 2781	Eff date	July 1, 2013
329	§ 1	61-19-1	SB 2769	Amended	AP-Mar. 11, 2013
	§ 2		SB 2769	Eff date	AP-Mar. 11, 2013
330	§ 1	63-31-1	SB 2457	Amended	July 1, 2013
	§ 2	63-31-3	SB 2457	Amended	July 1, 2013
	§ 3		SB 2457	Eff date	July 1, 2013
331	§ 1	37-17-13	HB 975	Amended	Voting Rights Act
	§ 2	37-5-19	HB 975	Amended	Voting Rights Act
	§ 3	37-7-207	HB 975	Amended	Voting Rights Act
	§ 4	Classification Pending	HB 975	Classification Pending	Voting Rights Act
	§ 5		HB 975	Eff date	Voting Rights Act
332	§ 1	77-1-1	SB 2567	Reenacted	July 1, 2013
	§ 2	77-1-3	SB 2567	Reenacted	July 1, 2013
	§ 3	77-1-5	SB 2567	Reenacted	July 1, 2013
	§ 4	77-1-6	SB 2567	Reenacted	July 1, 2013
	§ 5	77-1-11	SB 2567	Reenacted	July 1, 2013
	§ 6	77-1-15	SB 2567	Reenacted	July 1, 2013
	§ 7	77-1-17	SB 2567	Reenacted	July 1, 2013
	§ 8	77-1-19	SB 2567	Reenacted	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 9	77-1-21	SB 2567	Reenacted	July 1, 2013
§ 10	77-1-25	SB 2567	Reenacted	July 1, 2013
§ 11	77-1-27	SB 2567	Reenacted	July 1, 2013
§ 12	77-1-29	SB 2567	Reenacted	July 1, 2013
§ 13	77-1-31	SB 2567	Reenacted	July 1, 2013
§ 14	77-1-33	SB 2567	Reenacted	July 1, 2013
§ 15	77-1-35	SB 2567	Reenacted	July 1, 2013
§ 16	77-1-37	SB 2567	Reenacted	July 1, 2013
§ 17	77-1-39	SB 2567	Reenacted	July 1, 2013
§ 18	77-1-41	SB 2567	Reenacted	July 1, 2013
§ 19	77-1-43	SB 2567	Reenacted	July 1, 2013
§ 20	77-1-47	SB 2567	Reenacted	July 1, 2013
§ 21	77-1-49	SB 2567	Reenacted	July 1, 2013
§ 22	77-1-51	SB 2567	Amended	July 1, 2013
§ 23	77-1-55	SB 2567	Amended	July 1, 2013
§ 24		SB 2567	Eff date	July 1, 2013
333				
§ 1	75-60-3	SB 2786	Amended	July 1, 2013
§ 2	75-60-4	SB 2786	Amended	July 1, 2013
§ 3	75-60-5	SB 2786	Amended	July 1, 2013
§ 4	75-60-11	SB 2786	Amended	July 1, 2013
§ 5	75-60-19	SB 2786	Amended	July 1, 2013
§ 6	75-60-23	SB 2786	Amended	July 1, 2013
§ 7	75-60-25	SB 2786	Amended	July 1, 2013
§ 8	75-60-45	SB 2786	Added	July 1, 2013
§ 9		SB 2786	Eff date	July 1, 2013
334				
§ 1	Classification Pending	SB 2633	Classification Pending	July 1, 2013
§ 2	Classification Pending	SB 2633	Classification Pending	July 1, 2013
§ 3	Classification Pending	SB 2633	Classification Pending	July 1, 2013
§ 4	Classification Pending	SB 2633	Classification Pending	July 1, 2013
§ 5	Classification Pending	SB 2633	Classification Pending	July 1, 2013
§ 6	Classification Pending	SB 2633	Classification Pending	July 1, 2013
§ 7	Classification Pending	SB 2633	Classification Pending	July 1, 2013
§ 8	Classification Pending	SB 2633	Classification Pending	July 1, 2013

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	2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
335	§ 9		SB 2633	Eff date	July 1, 2013
	§ 1	Classification Pending	HB 702	Classification Pending	July 1, 2013
336	§ 2		HB 702	Eff date	July 1, 2013
	§ 1	43-3-103	HB 525	Amended	July 1, 2013
337	§ 2		HB 525	Eff date	July 1, 2013
	§ 1	Classification Pending	HB 738	Classification Pending	AP-Mar. 14, 2013
	§ 2	Classification Pending	HB 738	Classification Pending	AP-Mar. 14, 2013
338	§ 3		HB 738	Eff date	AP-Mar. 14, 2013
	§ 1	49-17-509	SB 2688	Amended	AP-Mar. 14, 2013
339	§ 2		SB 2688	Eff date	AP-Mar. 14, 2013
	§ 1	93-13-37	SB 2375	Amended	July 1, 2013
	§ 2	93-13-55	SB 2375	Amended	July 1, 2013
	§ 3	93-13-57	SB 2375	Amended	July 1, 2013
	§ 4	93-13-67	SB 2375	Amended	July 1, 2013
	§ 5	93-13-77	SB 2375	Amended	July 1, 2013
340	§ 6		SB 2375	Eff date	July 1, 2013
	§ 1	Classification Pending	HB 91	Classification Pending	AP-Mar. 14, 2013
341	§ 2		HB 91	Eff date	AP-Mar. 14, 2013
	§ 1	61-9-3	HB 279	Amended	July 1, 2013
342	§ 2		HB 279	Eff date	July 1, 2013
	§ 1	Classification Pending	HB 225	Classification Pending	July 1, 2013
	§ 2	Classification Pending	HB 225	Classification Pending	July 1, 2013
	§ 3	65-3-38.1	HB 225	Amended	July 1, 2013
343	§ 4		HB 225	Eff date	July 1, 2013
	§ 1	49-7-38	SB 2048	Amended	July 1, 2013
344	§ 2		SB 2048	Eff date	July 1, 2013
	§ 1	17-25-1	SB 2447	Amended	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date	
345	§ 2	SB 2447	Eff date	July 1, 2013	
	§ 1	67-3-11	SB 2183	Amended	July 1, 2013
	§ 2	67-3-7	SB 2183	Amended	July 1, 2013
	§ 3	67-3-13	SB 2183	Amended	July 1, 2013
	§ 4	67-3-15	SB 2183	Amended	July 1, 2013
346	§ 5	SB 2183	Eff date	July 1, 2013	
	§ 1	Classification Pending	HB 799	Classification Pending	July 1, 2013
	§ 2	Classification Pending	HB 799	Classification Pending	July 1, 2013
347	§ 3	HB 799	Eff date	July 1, 2013	
	§ 1	59-5-37	HB 129	Amended	July 1, 2013
	§ 2		HB 129	Eff date	July 1, 2013
348	§ 1	81-22-1	SB 2557	Reenacted	July 1, 2013
	§ 2	81-22-3	SB 2557	Reenacted	July 1, 2013
	§ 3	81-22-5	SB 2557	Reenacted	July 1, 2013
	§ 4	81-22-7	SB 2557	Reenacted	July 1, 2013
	§ 5	81-22-9	SB 2557	Reenacted	July 1, 2013
	§ 6	81-22-11	SB 2557	Reenacted	July 1, 2013
	§ 7	81-22-13	SB 2557	Reenacted	July 1, 2013
	§ 8	81-22-15	SB 2557	Reenacted	July 1, 2013
	§ 9	81-22-17	SB 2557	Reenacted	July 1, 2013
	§ 10	81-22-19	SB 2557	Reenacted	July 1, 2013
	§ 11	81-22-21	SB 2557	Reenacted	July 1, 2013
	§ 12	81-22-23	SB 2557	Reenacted	July 1, 2013
	§ 13	81-22-25	SB 2557	Reenacted	July 1, 2013
	§ 14	81-22-27	SB 2557	Reenacted	July 1, 2013
	§ 15	81-22-28	SB 2557	Reenacted	July 1, 2013
	§ 16	81-22-31	SB 2557	Amended	July 1, 2013
	349	§ 17	SB 2557	Eff date	July 1, 2013
§ 1		69-5-107	HB 64	Amended	AP-Mar. 18, 2013
§ 2			HB 64	Eff date	AP-Mar. 18, 2013
350	§ 1	Classification Pending	SB 2419	Classification Pending	July 1, 2013
	§ 2	Classification Pending	SB 2419	Classification Pending	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 3	37-3-2	SB 2419	Amended	July 1, 2013
§ 4	73-1-21	SB 2419	Amended	July 1, 2013
§ 5	73-1-23	SB 2419	Amended	July 1, 2013
§ 6	73-2-11	SB 2419	Amended	July 1, 2013
§ 7	73-4-23	SB 2419	Amended	July 1, 2013
§ 8	73-5-21	SB 2419	Amended	July 1, 2013
§ 9	73-6-13	SB 2419	Amended	July 1, 2013
§ 10	73-7-23	SB 2419	Amended	July 1, 2013
§ 11	73-9-24	SB 2419	Amended	July 1, 2013
§ 12	73-10-15	SB 2419	Amended	July 1, 2013
§ 13	73-11-51	SB 2419	Amended	July 1, 2013
§ 14	73-13-35	SB 2419	Amended	July 1, 2013
§ 15	73-14-25	SB 2419	Amended	July 1, 2013
§ 16	73-15-19	SB 2419	Amended	July 1, 2013
§ 17	73-15-21	SB 2419	Amended	July 1, 2013
§ 18	73-15-101	SB 2419	Amended	July 1, 2013
§ 19	73-17-11	SB 2419	Amended	July 1, 2013
§ 20	73-19-25	SB 2419	Amended	July 1, 2013
§ 21	73-21-87	SB 2419	Amended	July 1, 2013
§ 22	73-23-51	SB 2419	Amended	July 1, 2013
§ 23	73-23-53	SB 2419	Amended	July 1, 2013
§ 24	73-24-21	SB 2419	Amended	July 1, 2013
§ 25	73-25-21	SB 2419	Amended	July 1, 2013
§ 26	73-27-5	SB 2419	Amended	July 1, 2013
§ 27	73-29-19	SB 2419	Amended	July 1, 2013
§ 28	73-30-15	SB 2419	Amended	July 1, 2013
§ 29	73-31-14	SB 2419	Amended	July 1, 2013
§ 30	73-31-15	SB 2419	Amended	July 1, 2013
§ 31	73-33-9	SB 2419	Amended	July 1, 2013
§ 32	73-34-51	SB 2419	Amended	July 1, 2013
§ 33	73-35-7	SB 2419	Amended	July 1, 2013
§ 34	73-35-13	SB 2419	Amended	July 1, 2013
§ 35	73-36-31	SB 2419	Amended	July 1, 2013
§ 36	73-38-23	SB 2419	Amended	July 1, 2013
§ 37	73-39-71	SB 2419	Amended	July 1, 2013
§ 38	73-53-13	SB 2419	Amended	July 1, 2013
§ 39	73-54-23	SB 2419	Amended	July 1, 2013
§ 40	73-60-25	SB 2419	Amended	July 1, 2013
§ 41	73-63-39	SB 2419	Amended	July 1, 2013
§ 42	73-65-7	SB 2419	Amended	July 1, 2013
§ 43	73-67-25	SB 2419	Amended	July 1, 2013

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§ 44	73-69-11	SB 2419	Amended	July 1, 2013
§ 45	73-71-21	SB 2419	Amended	July 1, 2013
§ 46	73-73-11	SB 2419	Amended	July 1, 2013
§ 47	73-73-17	SB 2419	Amended	July 1, 2013
§ 48		SB 2419	Eff date	July 1, 2013
351				
§ 1	Classification Pending	SB 2754	Classification Pending	July 1, 2013
§ 2	Classification Pending	SB 2754	Classification Pending	July 1, 2013
§ 3		SB 2754	Eff date	July 1, 2013
352				
§ 1	Classification Pending	HB 1300	Classification Pending	AP-Mar. 18, 2013
§ 2		HB 1300	Eff date	AP-Mar. 18, 2013
353				
§ 1	Classification Pending	SB 2728	Classification Pending	July 1, 2013
§ 2		SB 2728	Eff date	July 1, 2013
354				
§ 1	93-11-103	SB 2210	Amended	July 1, 2013
§ 2	93-11-105	SB 2210	Amended	July 1, 2013
§ 3		SB 2210	Eff date	July 1, 2013
355				
§ 1	Classification Pending	HB 613	Classification Pending	July 1, 2013
§ 2		HB 613	Eff date	July 1, 2013
356				
§ 1	43-19-101	SB 2338	Amended	July 1, 2013
§ 2		SB 2338	Eff date	July 1, 2013
357				
§ 1	Classification Pending	HB 770	Classification Pending	AP-Mar. 18, 2013
§ 2	29-5-2	HB 770	Amended	AP-Mar. 18, 2013
§ 3	29-5-77	HB 770	Amended	AP-Mar. 18, 2013
§ 4	29-5-81	HB 770	Amended	AP-Mar. 18, 2013
§ 5		HB 770	Eff date	AP-Mar. 18, 2013
358				
§ 1	21-23-7	HB 80	Amended	July 1, 2013
§ 2		HB 80	Eff date	July 1, 2013
359				
§ 1	43-21-651	SB 2076	Amended	AP-Mar. 18, 2013
§ 2		SB 2076	Eff date	AP-Mar. 18, 2013

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360				
§ 1	45-11-1	HB 437	Amended	July 1, 2013
§ 2	99-3-7	HB 437	Amended	July 1, 2013
§ 3		HB 437	Eff date	July 1, 2013
361				
§ 1	9-9-21	HB 142	Amended	Voting Rights Act
§ 2	9-7-3	HB 142	Amended	Voting Rights Act
§ 3	9-9-35	HB 142	Amended	Voting Rights Act
§ 4	Classification Pending	HB 142	Classification Pending	Voting Rights Act
§ 5		HB 142	Eff date	Voting Rights Act
362				
§ 1	31-7-1	HB 502	Amended	July 1, 2013
§ 2	31-7-9	HB 502	Amended	July 1, 2013
§ 3		HB 502	Eff date	July 1, 2013
363				
§ 1	37-17-13	SB 2779	Amended	Voting Rights Act
§ 2	37-5-19	SB 2779	Amended	Voting Rights Act
§ 3	37-7-207	SB 2779	Amended	Voting Rights Act
§ 4	Classification Pending	SB 2779	Classification Pending	Voting Rights Act
§ 5		SB 2779	Eff date	Voting Rights Act
364				
§ 1	17-25-25	HB 394	Amended	July 1, 2013
§ 2	19-7-5	HB 394	Amended	July 1, 2013
§ 3	21-17-1	HB 394	Amended	July 1, 2013
§ 4		HB 394	Eff date	July 1, 2013
365				
§ 1	27-43-3	SB 2111	Amended	July 1, 2013
§ 2		SB 2111	Eff date	July 1, 2013
366				
§ 1	23-15-227	SB 2239	Amended	Voting Rights Act
§ 2	Classification Pending	SB 2239	Classification Pending	Voting Rights Act
§ 3		SB 2239	Eff date	Voting Rights Act
367				
§ 1	97-45-3	HB 686	Amended	July 1, 2013
§ 2		HB 686	Eff date	July 1, 2013
368				
§ 1	7-3-57	HB 85	Amended	July 1, 2013
§ 2		HB 85	Eff date	July 1, 2013

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369				
§ 1	Classification Pending	HB 480	Classification Pending	July 1, 2013
§ 2		HB 480	Eff date	July 1, 2013
370				
§ 1	Classification Pending	SB 2687	Classification Pending	AP-Mar. 18, 2013
§ 2		SB 2687	Eff date	AP-Mar. 18, 2013
371				
§ 1	69-7-607	SB 2513	Amended	July 1, 2013
§ 2		SB 2513	Eff date	July 1, 2013
372				
§ 1	75-55-5	HB 1161	Amended	July 1, 2013
§ 2	75-55-37	HB 1161	Amended	July 1, 2013
§ 3		HB 1161	Eff date	July 1, 2013
373				
§ 1	Classification Pending	SB 2448	Classification Pending	July 1, 2013
§ 2		SB 2448	Eff date	July 1, 2013
374				
§ 1	Classification Pending	HB 757	Classification Pending	July 1, 2013
§ 2		HB 757	Eff date	July 1, 2013
375				
§ 1	Classification Pending	HB 181	Classification Pending	July 1, 2013
§ 2		HB 181	Eff date	July 1, 2013
376				
§ 1	99-41-17	HB 710	Amended	July 1, 2013
§ 2		HB 710	Eff date	July 1, 2013
377				
§ 1	Classification Pending	HB 1550	Classification Pending	AP-Mar. 20, 2013
§ 2		HB 1550	Eff date	AP-Mar. 20, 2013
378				
§ 1	41-29-117	SB 2193	Amended	July 1, 2013
§ 2	41-29-121	SB 2193	Amended	July 1, 2013
§ 3		SB 2193	Eff date	July 1, 2013
379				
§ 1	97-3-25	SB 2255	Amended	July 1, 2013
§ 2		SB 2255	Eff date	July 1, 2013
380				
§ 1	93-9-15	HB 720	Amended	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 2		HB 720	Eff date	July 1, 2013
381				
§ 1	45-9-131	SB 2047	Amended	AP-Mar. 20, 2013
§ 2		SB 2047	Eff date	AP-Mar. 20, 2013
382				
§ 1	75-9-501.1	HB 1008	Added	July 1, 2013
§ 2	75-9-510	HB 1008	Amended	July 1, 2013
§ 3	75-9-516	HB 1008	Amended	July 1, 2013
§ 4		HB 1008	Eff date	July 1, 2013
383				
§ 1	9-9-37	HB 943	Amended	Voting Rights Act
§ 2	Classification Pending	HB 943	Classification Pending	Voting Rights Act
§ 3		HB 943	Eff date	Voting Rights Act
384				
§ 1	45-9-103	SB 2647	Added	July 1, 2013
§ 2	9-1-49	SB 2647	Added	July 1, 2013
§ 3	97-37-5	SB 2647	Amended	July 1, 2013
§ 4	41-21-101	SB 2647	Amended	July 1, 2013
§ 5		SB 2647	Eff date	July 1, 2013
385				
§ 1	11-46-1	SB 2751	Amended	AP-Mar. 20, 2013
§ 2	11-46-17	SB 2751	Amended	AP-Mar. 20, 2013
§ 3	95-9-1	SB 2751	Amended	AP-Mar. 20, 2013
§ 4	45-2-1	SB 2751	Amended	AP-Mar. 20, 2013
§ 5	45-2-21	SB 2751	Amended	AP-Mar. 20, 2013
§ 6		SB 2751	Eff date	AP-Mar. 20, 2013
386				
§ 1	69-2-13	SB 2436	Amended	July 1, 2013
§ 2		SB 2436	Eff date	July 1, 2013
387				
§ 1	25-9-119	SB 2074	Amended	July 1, 2013
§ 2		SB 2074	Eff date	July 1, 2013
388				
§ 1	25-41-13	SB 2070	Amended	July 1, 2013
§ 2	27-104-163	SB 2070	Added	July 1, 2013
§ 3		SB 2070	Eff date	July 1, 2013
389				
§ 1	63-15-11	HB 1277	Repealed	AP-Mar. 20, 2013
§ 2	63-15-13	HB 1277	Repealed	AP-Mar. 20, 2013
§ 3	63-15-15	HB 1277	Repealed	AP-Mar. 20, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 4	63-15-17	HB 1277	Repealed	AP-Mar. 20, 2013
§ 5	63-15-19	HB 1277	Repealed	AP-Mar. 20, 2013
§ 6	63-15-21	HB 1277	Repealed	AP-Mar. 20, 2013
§ 7		HB 1277	Eff date	AP-Mar. 20, 2013
390				
§ 1	31-7-13	SB 2073	Amended	July 1, 2013
§ 2		SB 2073	Eff date	July 1, 2013
391				
§ 1	Classification Pending	HB 275	Classification Pending	Voting Rights Act
§ 2	23-15-315	HB 275	Amended	Voting Rights Act
§ 3	Classification Pending	HB 275	Classification Pending	Voting Rights Act
§ 4		HB 275	Eff date	Voting Rights Act
392				
§ 1	Classification Pending	HB 987	Classification Pending	AP-Mar. 20, 2013
§ 2		HB 987	Eff date	AP-Mar. 20, 2013
393				
§ 1	Classification Pending	SB 2572	Classification Pending	July 1, 2013
§ 2		SB 2572	Eff date	July 1, 2013
394				
§ 1	31-7-9	HB 964	Amended	July 1, 2013
§ 2		HB 964	Eff date	July 1, 2013
395				
§ 1	Classification Pending	SB 2631	Classification Pending	AP-Mar. 20, 2013
§ 2		SB 2631	Eff date	AP-Mar. 20, 2013
396				
§ 1	19-5-93	HB 1515	Amended	July 1, 2013
§ 2	19-5-73	HB 1515	Reenacted	July 1, 2013
§ 3	21-19-67	HB 1515	Amended	July 1, 2013
§ 4	21-19-69	HB 1515	Reenacted	July 1, 2013
§ 5		HB 1515	Eff date	July 1, 2013
397				
§ 1	37-146-1	HB 776	Added	July 1, 2013
§ 2	37-146-3	HB 776	Added	July 1, 2013
§ 3	37-146-5	HB 776	Added	July 1, 2013
§ 4	37-146-7	HB 776	Added	July 1, 2013
§ 5	37-146-9	HB 776	Added	July 1, 2013
§ 6	37-146-11	HB 776	Added	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 7	37-146-13	HB 776	Added	July 1, 2013
§ 8	37-146-17	HB 776	Added	July 1, 2013
§ 9	37-146-19	HB 776	Added	July 1, 2013
§ 10	37-146-21	HB 776	Added	July 1, 2013
§ 11		HB 776	Eff date	July 1, 2013
398				
§ 1	3-3-1	HB 1072	Amended	July 1, 2013
§ 2		HB 1072	Eff date	July 1, 2013
399				
§ 1	Classification Pending	HB 1265	Classification Pending	AP-Mar. 20, 2013
§ 2		HB 1265	Eff date	AP-Mar. 20, 2013
400				
§ 1	Classification Pending	SB 2811	Classification Pending	AP-Mar. 20, 2013
§ 2		SB 2811	Eff date	AP-Mar. 20, 2013
401				
§ 1	31-11-35	HB 488	Amended	July 1, 2013
§ 2		HB 488	Eff date	July 1, 2013
402				
§ 1	37-101-292	HB 373	Amended	July 1, 2013
§ 2		HB 373	Eff date	July 1, 2013
403				
§ 1	19-3-71	HB 921	Amended	July 1, 2013
§ 2		HB 921	Eff date	July 1, 2013
404				
§ 1	19-5-353	HB 1080	Amended	July 1, 2013
§ 2	19-5-357	HB 1080	Amended	July 1, 2013
§ 3		HB 1080	Eff date	July 1, 2013
405				
§ 1	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 2	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 3	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 4	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 5	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 6	Classification Pending	HB 817	Classification Pending	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 7	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 8	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 9	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 10	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 11	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 12	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 13	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 14	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 15	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 16	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 17	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 18	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 19	Classification Pending	HB 817	Classification Pending	July 1, 2013
§ 20		HB 817	Eff date	July 1, 2013
406				
§ 1	23-15-963	HB 533	Amended	Voting Rights Act
§ 2	Classification Pending	HB 533	Classification Pending	Voting Rights Act
§ 3		HB 533	Eff date	Voting Rights Act
407				
§ 1	69-3-6	HB 751	Amended	July 1, 2013
§ 2	69-3-25	HB 751	Amended	July 1, 2013
§ 3	69-3-29	HB 751	Amended	July 1, 2013
§ 4	69-25-51	HB 751	Amended	July 1, 2013
§ 5		HB 751	Eff date	July 1, 2013
408				
§ 1	75-67-501	HB 559	Reenacted	AP-Mar. 20, 2013
§ 2	75-67-503	HB 559	Reenacted	AP-Mar. 20, 2013
§ 3	75-67-505	HB 559	Reenacted	AP-Mar. 20, 2013
§ 4	75-67-507	HB 559	Reenacted	AP-Mar. 20, 2013
§ 5	75-67-509	HB 559	Reenacted	AP-Mar. 20, 2013

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§ 6	75-67-511	HB 559	Reenacted	AP-Mar. 20, 2013
§ 7	75-67-513	HB 559	Reenacted	AP-Mar. 20, 2013
§ 8	75-67-515	HB 559	Reenacted	AP-Mar. 20, 2013
§ 9	75-67-516	HB 559	Reenacted	AP-Mar. 20, 2013
§ 10	75-67-517	HB 559	Reenacted	AP-Mar. 20, 2013
§ 11	75-67-519	HB 559	Reenacted	AP-Mar. 20, 2013
§ 12	75-67-521	HB 559	Reenacted	AP-Mar. 20, 2013
§ 13	75-67-523	HB 559	Reenacted	AP-Mar. 20, 2013
§ 14	75-67-525	HB 559	Reenacted	AP-Mar. 20, 2013
§ 15	75-67-527	HB 559	Reenacted	AP-Mar. 20, 2013
§ 16	75-67-529	HB 559	Reenacted	AP-Mar. 20, 2013
§ 17	75-67-531	HB 559	Reenacted	AP-Mar. 20, 2013
§ 18	75-67-533	HB 559	Reenacted	AP-Mar. 20, 2013
§ 19	75-67-535	HB 559	Reenacted	AP-Mar. 20, 2013
§ 20	75-67-537	HB 559	Reenacted	AP-Mar. 20, 2013
§ 21	75-67-539	HB 559	Repealed	AP-Mar. 20, 2013
§ 22		HB 559	Eff date	AP-Mar. 20, 2013
409				
§ 1	27-33-19	SB 2816	Amended	July 1, 2013
§ 2		SB 2816	Eff date	July 1, 2013
410				
§ 1	Classification Pending	HB 974	Classification Pending	July 1, 2013
§ 2	97-33-1	HB 974	Amended	July 1, 2013
§ 3	97-33-7	HB 974	Amended	July 1, 2013
§ 4	97-33-9	HB 974	Amended	July 1, 2013
§ 5	75-76-5	HB 974	Amended	July 1, 2013
§ 6		HB 974	Eff date	July 1, 2013
411				
§ 1	27-55-527	SB 2847	Amended	July 1, 2013
§ 2		SB 2847	Eff date	July 1, 2013
412				
§ 1	97-5-33	SB 2197	Amended	July 1, 2013
§ 2		SB 2197	Eff date	July 1, 2013
413				
§ 1	23-15-153	SB 2238	Amended	Voting Rights Act
§ 2	Classification Pending	SB 2238	Classification Pending	Voting Rights Act
§ 3		SB 2238	Eff date	Voting Rights Act
414				
§ 1	25-11-103	HB 1174	Amended	July 1, 2013
§ 2		HB 1174	Eff date	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
415				
§ 1	73-4-1	HB 1165	Reenacted	July 1, 2013
§ 2	73-4-3	HB 1165	Reenacted	July 1, 2013
§ 3	73-4-5	HB 1165	Reenacted	July 1, 2013
§ 4	73-4-7	HB 1165	Reenacted	July 1, 2013
§ 5	73-4-9	HB 1165	Reenacted	July 1, 2013
§ 6	73-4-11	HB 1165	Reenacted	July 1, 2013
§ 7	73-4-13	HB 1165	Reenacted	July 1, 2013
§ 8	73-4-15	HB 1165	Reenacted	July 1, 2013
§ 9	73-4-17	HB 1165	Reenacted	July 1, 2013
§ 10	73-4-19	HB 1165	Reenacted	July 1, 2013
§ 11	73-4-21	HB 1165	Reenacted	July 1, 2013
§ 12	73-4-23	HB 1165	Reenacted	July 1, 2013
§ 13	73-4-25	HB 1165	Reenacted	July 1, 2013
§ 14	73-4-27	HB 1165	Reenacted	July 1, 2013
§ 15	73-4-29	HB 1165	Reenacted	July 1, 2013
§ 16	73-4-31	HB 1165	Reenacted	July 1, 2013
§ 17	73-4-33	HB 1165	Reenacted	July 1, 2013
§ 18	73-4-35	HB 1165	Reenacted	July 1, 2013
§ 19	73-4-37	HB 1165	Reenacted	July 1, 2013
§ 20	73-4-39	HB 1165	Reenacted	July 1, 2013
§ 21	73-4-41	HB 1165	Reenacted	July 1, 2013
§ 22	73-4-43	HB 1165	Reenacted	July 1, 2013
§ 23	73-4-45	HB 1165	Reenacted	July 1, 2013
§ 24	73-4-47	HB 1165	Reenacted	July 1, 2013
§ 25	73-4-49	HB 1165	Reenacted	July 1, 2013
§ 26	73-4-51	HB 1165	Reenacted	July 1, 2013
§ 27	73-4-53	HB 1165	Amended	July 1, 2013
§ 28		HB 1165	Eff date	July 1, 2013
416				
§ 1	83-5-205	HB 534	Amended	July 1, 2014
§ 2	83-5-209	HB 534	Amended	July 1, 2014
§ 3	83-5-401	HB 534	Amended	July 1, 2013
§ 4	83-5-403	HB 534	Amended	July 1, 2013
§ 5	83-5-405	HB 534	Amended	July 1, 2013
§ 6	83-5-417	HB 534	Amended	July 1, 2013
§ 7	83-5-427	HB 534	Amended	July 1, 2013
§ 8	83-6-1	HB 534	Amended	July 1, 2013
§ 9	83-6-5	HB 534	Amended	July 1, 2013
§ 10	83-6-17	HB 534	Amended	July 1, 2013
§ 11	83-6-21	HB 534	Amended	July 1, 2013

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§ 12	83-6-24	HB 534	Amended	July 1, 2013
§ 13	83-6-26	HB 534	Added	July 1, 2013
§ 14	83-6-27	HB 534	Amended	July 1, 2013
§ 15	83-6-29	HB 534	Amended	July 1, 2014
§ 16		HB 534	Eff date	July 1, 2014
417				
§ 1	37-135-15	HB 461	Repealed	AP-Mar. 20, 2013
§ 1	37-135-11	HB 461	Repealed	AP-Mar. 20, 2013
§ 1	37-135-13	HB 461	Repealed	AP-Mar. 20, 2013
§ 2		HB 461	Eff date	AP-Mar. 20, 2013
418				
§ 1	27-104-155	HB 478	Amended	July 1, 2013
§ 2	27-104-153	HB 478	Reenacted	July 1, 2013
§ 3		HB 478	Eff date	July 1, 2013
419				
§ 1	27-13-5	SB 2684	Amended	July 1, 2013
§ 2	27-13-7	SB 2684	Amended	July 1, 2013
§ 3	27-13-17	SB 2684	Amended	July 1, 2013
§ 4	79-7-1	SB 2684	Amended	July 1, 2013
§ 5	79-11-57	SB 2684	Amended	July 1, 2013
§ 6	79-17-41	SB 2684	Repealed	July 1, 2013
§ 7		SB 2684	Eff date	July 1, 2013
420				
§ 1	27-65-33	HB 1285	Amended	AP-Mar. 20, 2013
§ 2		HB 1285	Eff date	AP-Mar. 20, 2013
421				
§ 1	81-18-5	HB 1233	Reenacted	July 1, 2013
§ 2		HB 1233	Eff date	July 1, 2013
422				
§ 1	47-5-931	HB 578	Amended	AP-Mar. 21, 2013
§ 2		HB 578	Eff date	AP-Mar. 21, 2013
423				
§ 1	83-39-3	HB 749	Amended	July 1, 2013
§ 2		HB 749	Eff date	July 1, 2013
424				
§ 1	99-5-25	HB 714	Amended	July 1, 2013
§ 2		HB 714	Eff date	July 1, 2013
425				
§ 1	45-6-11	HB 1485	Amended	July 1, 2013
§ 2		HB 1485	Eff date	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
426				
§ 1	43-21-105	HB 1441	Amended	July 1, 2013
§ 2		HB 1441	Eff date	July 1, 2013
427				
§ 1	Classification Pending	HB 1258	Classification Pending	July 1, 2013
§ 2	Classification Pending	HB 1258	Classification Pending	July 1, 2013
§ 3	Classification Pending	HB 1258	Classification Pending	July 1, 2013
§ 4		HB 1258	Eff date	July 1, 2013
428				
§ 1	25-11-121	HB 990	Amended	July 1, 2013
§ 2		HB 990	Eff date	July 1, 2013
429				
§ 1	37-159-53	HB 672	Amended	July 1, 2013
§ 2		HB 672	Eff date	July 1, 2013
430				
§ 1	25-53-29	HB 1132	Amended	July 1, 2013
§ 2		HB 1132	Eff date	July 1, 2013
431				
§ 1	65-1-85	HB 261	Amended	AP-Mar. 21, 2013
§ 2		HB 261	Eff date	AP-Mar. 21, 2013
432				
§ 1	23-15-951	HB 649	Amended	Voting Rights Act
§ 2	Classification Pending	HB 649	Classification Pending	Voting Rights Act
§ 3		HB 649	Eff date	Voting Rights Act
433				
§ 1	73-26-3	HB 134	Amended	July 1, 2013
§ 2		HB 134	Eff date	July 1, 2013
434				
§ 1	41-58-1	HB 69	Amended	July 1, 2013
§ 2	41-58-3	HB 69	Amended	July 1, 2013
§ 3	41-58-5	HB 69	Amended	July 1, 2013
§ 4		HB 69	Eff date	July 1, 2013
435				
§ 1	97-25-3	HB 1519	Amended	July 1, 2013
§ 2		HB 1519	Eff date	July 1, 2013
436				
§ 1	51-35-307	SB 2674	Amended	July 1, 2013
§ 2	51-35-315	SB 2674	Amended	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 3	51-35-317	SB 2674	Amended	July 1, 2013
§ 4	51-35-319	SB 2674	Amended	July 1, 2013
§ 5	51-35-325	SB 2674	Amended	July 1, 2013
§ 6		SB 2674	Eff date	July 1, 2013
437				
§ 1	Classification Pending	HB 417	Classification Pending	AP-Mar. 25, 2013
§ 2		HB 417	Eff date	AP-Mar. 25, 2013
438				
§ 1	37-103-25	HB 317	Amended	July 1, 2013
§ 2		HB 317	Eff date	July 1, 2013
439				
§ 1	49-7-31	HB 1139	Amended	July 1, 2014
§ 2		HB 1139	Eff date	July 1, 2014
440				
§ 1	49-7-201	HB 1260	Amended	July 1, 2013
§ 2	49-7-203	HB 1260	Amended	July 1, 2013
§ 3		HB 1260	Eff date	July 1, 2013
441				
§ 1	17-25-1	HB 1326	Amended	AP-Mar. 25, 2013
§ 2	27-104-33	HB 1326	Amended	AP-Mar. 25, 2013
§ 3		HB 1326	Eff date	AP-Mar. 25, 2013
442				
§ 1	73-60-1	SB 2698	Amended	
§ 2	73-60-3	SB 2698	Amended	
§ 3	73-60-7	SB 2698	Amended	
§ 4	73-60-23	SB 2698	Amended	
§ 5	73-60-29	SB 2698	Amended	
§ 6	73-60-45	SB 2698	Amended	
§ 7	73-60-5	SB 2698	Repealed	
§ 8		SB 2698	Eff date	
443				
§ 1	41-4-18	SB 2342	Added	July 1, 2013
§ 2		SB 2342	Eff date	July 1, 2013
444				
§ 1	31-7-38	HB 1169	Amended	July 1, 2013
§ 2		HB 1169	Eff date	July 1, 2013
445				
§ 1	Classification Pending	HB 141	Classification Pending	July 1, 2013
§ 2	Classification Pending	HB 141	Classification Pending	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 3	Classification Pending	HB 141	Classification Pending	July 1, 2013
§ 4		HB 141	Eff date	July 1, 2013
446				
§ 1	75-27-59	HB 772	Amended	July 1, 2013
§ 2		HB 772	Eff date	July 1, 2013
447				
§ 1	Classification Pending	HB 117	Classification Pending	July 1, 2013
§ 2	Classification Pending	HB 117	Classification Pending	July 1, 2013
§ 3	27-65-75	HB 117	Amended	AP-Mar. 25, 2013
§ 4	57-73-21	HB 117	Amended	July 1, 2013
§ 5	57-101-5	HB 117	Repealed	July 1, 2013
§ 5	57-101-3	HB 117	Repealed	July 1, 2013
§ 5	57-101-1	HB 117	Repealed	July 1, 2013
§ 6		HB 117	Eff date	July 1, 2013
448				
§ 1	Classification Pending	HB 482	Classification Pending	July 1, 2013
§ 2		HB 482	Eff date	July 1, 2013
449				
§ 1	27-7-22.32	SB 2833	Amended	Jan. 1, 2013
§ 2		SB 2833	Eff date	Jan. 1, 2013
450				
§ 1	49-15-15	SB 2580	Amended	AP-Mar. 25, 2013
§ 2		SB 2580	Eff date	AP-Mar. 25, 2013
451				
§ 1	75-9-102	SB 2609	Amended	July 1, 2013
§ 2	75-2-719	SB 2609	Amended	July 1, 2013
§ 3	75-4A-108	SB 2609	Amended	July 1, 2013
§ 4	75-9-105	SB 2609	Amended	July 1, 2013
§ 5	75-9-307	SB 2609	Amended	July 1, 2013
§ 6	75-9-311	SB 2609	Amended	July 1, 2013
§ 7	75-9-316	SB 2609	Amended	July 1, 2013
§ 8	75-9-317	SB 2609	Amended	July 1, 2013
§ 9	75-9-326	SB 2609	Amended	July 1, 2013
§ 10	75-9-406	SB 2609	Amended	July 1, 2013
§ 11	75-9-408	SB 2609	Amended	July 1, 2013
§ 12	75-9-502	SB 2609	Amended	July 1, 2013
§ 13	75-9-503	SB 2609	Amended	July 1, 2013
§ 14	75-9-507	SB 2609	Amended	July 1, 2013

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§ 15	75-9-515	SB 2609	Amended	July 1, 2013
§ 16	75-9-516	SB 2609	Amended	July 1, 2013
§ 17	75-9-518	SB 2609	Amended	July 1, 2013
§ 18	75-9-521	SB 2609	Amended	July 1, 2013
§ 19	75-9-607	SB 2609	Amended	July 1, 2013
§ 20	75-9-801	SB 2609	Added	July 1, 2013
§ 21	75-9-802	SB 2609	Added	July 1, 2013
§ 22	75-9-803	SB 2609	Added	July 1, 2013
§ 23	75-9-804	SB 2609	Added	July 1, 2013
§ 24	75-9-805	SB 2609	Added	July 1, 2013
§ 25	75-9-806	SB 2609	Added	July 1, 2013
§ 26	75-9-807	SB 2609	Added	July 1, 2013
§ 27	75-9-808	SB 2609	Added	July 1, 2013
§ 28	75-9-809	SB 2609	Added	July 1, 2013
§ 29	75-2A-103	SB 2609	Amended	July 1, 2013
§ 30		SB 2609	Eff date	July 1, 2013
452				
§ 1	37-113-20	HB 508	Added	July 1, 2013
§ 2	25-53-191	HB 508	Amended	July 1, 2013
§ 3		HB 508	Eff date	July 1, 2013
453				
§ 1	Classification Pending	HB 1243	Classification Pending	July 1, 2013
§ 2		HB 1243	Eff date	July 1, 2013
454				
§ 1	63-1-216	HB 90	Amended	July 1, 2013
§ 2		HB 90	Eff date	July 1, 2013
455				
§ 1	65-4-5	HB 922	Amended	July 1, 2013
§ 2		HB 922	Eff date	July 1, 2013
456				
§ 1	23-15-153	SB 2311	Amended	Voting Rights Act
§ 2	Classification Pending	SB 2311	Classification Pending	Voting Rights Act
§ 3		SB 2311	Eff date	Voting Rights Act
457				
§ 1	75-77-1	HB 387	Amended	AP-Mar. 25, 2013
§ 2	75-77-9	HB 387	Amended	AP-Mar. 25, 2013
§ 3		HB 387	Eff date	
458				
§ 1	97-17-53	HB 178	Amended	July 1, 2013
§ 2		HB 178	Eff date	July 1, 2013

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459				
§ 1	83-33-1	HB 748	Amended	July 1, 2013
§ 2	83-33-3	HB 748	Amended	July 1, 2013
§ 3	83-33-5	HB 748	Amended	July 1, 2013
§ 4	83-33-7	HB 748	Amended	July 1, 2013
§ 5	83-33-11	HB 748	Amended	July 1, 2013
§ 6	83-33-13	HB 748	Amended	July 1, 2013
§ 7	83-33-15	HB 748	Amended	July 1, 2013
§ 8	83-33-17	HB 748	Amended	July 1, 2013
§ 9	83-33-19	HB 748	Amended	July 1, 2013
§ 10	83-33-21	HB 748	Added	July 1, 2013
§ 11	83-33-23	HB 748	Added	July 1, 2013
§ 12	83-33-25	HB 748	Added	July 1, 2013
§ 13	83-33-27	HB 748	Added	July 1, 2013
§ 14	83-33-29	HB 748	Added	July 1, 2013
§ 15	83-33-31	HB 748	Added	July 1, 2013
§ 16	83-33-33	HB 748	Added	July 1, 2013
§ 17	83-33-35	HB 748	Added	July 1, 2013
§ 18	83-33-37	HB 748	Added	July 1, 2013
§ 19	83-21-3	HB 748	Amended	July 1, 2013
§ 20		HB 748	Eff date	July 1, 2013
460				
§ 1	39-25-1	HB 135	Amended	July 1, 2013
§ 2		HB 135	Eff date	July 1, 2013
461				
§ 1	89-5-8	HB 928	Amended	AP-Mar. 25, 2013
§ 2		HB 928	Eff date	AP-Mar. 25, 2013
462				
§ 1	27-65-101	SB 2829	Amended	July 1, 2013
§ 2	57-87-7	SB 2829	Amended	July 1, 2013
§ 3		SB 2829	Eff date	July 1, 2013
463				
§ 1	Classification Pending	HB 102	Classification Pending	July 1, 2013
§ 2		HB 102	Eff date	July 1, 2013
464				
§ 1	Classification Pending	HB 718	Classification Pending	AP-Mar. 27, 2013
§ 2	Classification Pending	HB 718	Classification Pending	AP-Mar. 27, 2013
§ 3		HB 718	Eff date	AP-Mar. 27, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
465				
§ 1	73-71-1	HB 1162	Reenacted	July 1, 2013
§ 2	73-71-3	HB 1162	Reenacted	July 1, 2013
§ 3	73-71-5	HB 1162	Reenacted	July 1, 2013
§ 4	73-71-7	HB 1162	Reenacted	July 1, 2013
§ 5	73-71-9	HB 1162	Reenacted	July 1, 2013
§ 6	73-71-11	HB 1162	Reenacted	July 1, 2013
§ 7	73-71-13	HB 1162	Reenacted	July 1, 2013
§ 8	73-71-15	HB 1162	Reenacted	July 1, 2013
§ 9	73-71-17	HB 1162	Reenacted	July 1, 2013
§ 10	73-71-19	HB 1162	Amended	July 1, 2013
§ 11	73-71-21	HB 1162	Reenacted	July 1, 2013
§ 12	73-71-23	HB 1162	Reenacted	July 1, 2013
§ 13	73-71-25	HB 1162	Reenacted	July 1, 2013
§ 14	73-71-27	HB 1162	Reenacted	July 1, 2013
§ 15	73-71-29	HB 1162	Reenacted	July 1, 2013
§ 16	73-71-31	HB 1162	Reenacted	July 1, 2013
§ 17	73-71-33	HB 1162	Reenacted	July 1, 2013
§ 18	73-71-35	HB 1162	Reenacted	July 1, 2013
§ 19	73-71-37	HB 1162	Reenacted	July 1, 2013
§ 20	73-71-39	HB 1162	Reenacted	July 1, 2013
§ 21	73-71-41	HB 1162	Reenacted	July 1, 2013
§ 22	73-71-43	HB 1162	Reenacted	July 1, 2013
§ 23	73-71-45	HB 1162	Reenacted	July 1, 2013
§ 24	73-71-47	HB 1162	Reenacted	July 1, 2013
§ 25	73-71-49	HB 1162	Reenacted	July 1, 2013
§ 26	73-71-51	HB 1162	Reenacted	July 1, 2013
§ 27	73-71-53	HB 1162	Amended	July 1, 2013
§ 28		HB 1162	Eff date	July 1, 2013
466				
§ 1	55-3-33	HB 524	Amended	July 1, 2013
§ 2	77-5-231	HB 524	Amended	July 1, 2013
§ 3	31-7-13	HB 524	Amended	July 1, 2013
§ 4		HB 524	Eff date	July 1, 2013
467				
§ 1	37-157-1	HB 425	Amended	AP-Mar. 27, 2013
§ 2		HB 425	Eff date	AP-Mar. 27, 2013
468				
§ 1	65-1-8	HB 436	Amended	AP-Mar. 27, 2013
§ 2	43-39-7	HB 436	Amended	AP-Mar. 27, 2013
§ 3	43-39-9	HB 436	Amended	AP-Mar. 27, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 4	43-39-11	HB 436	Amended	AP-Mar. 27, 2013
§ 5		HB 436	Eff date	AP-Mar. 27, 2013
469				
§ 1	27-65-11	HB 1680	Amended	July 1, 2013
§ 2		HB 1680	Eff date	July 1, 2013
470				
§ 1	27-7-49	HB 892	Amended	Jan. 1, 2013
§ 2	27-13-49	HB 892	Amended	Jan. 1, 2013
§ 3	27-65-42	HB 892	Amended	Jan. 1, 2013
§ 4	27-7-313	HB 892	Amended	Jan. 1, 2013
§ 5	27-73-5	HB 892	Amended	Jan. 1, 2013
§ 6	27-65-37	HB 892	Amended	Jan. 1, 2013
§ 7	Classification Pending	HB 892	Classification Pending	Jan. 1, 2013
§ 8		HB 892	Eff date	Jan. 1, 2013
471				
§ 1	49-7-9	HB 1002	Amended	July 1, 2013
§ 2	49-7-9.1	HB 1002	Added	July 1, 2013
§ 3	49-7-12	HB 1002	Amended	July 1, 2013
§ 4	49-7-12.1	HB 1002	Added	July 1, 2013
§ 5		HB 1002	Eff date	July 1, 2013
472				
§ 1	63-9-21	HB 1212	Amended	July 1, 2013
§ 2		HB 1212	Eff date	July 1, 2013
473				
§ 1	37-15-29	HB 879	Amended	July 1, 2013
§ 2		HB 879	Eff date	July 1, 2013
474				
§ 1	23-15-217	SB 2308	Amended	Voting Rights Act
§ 2	Classification Pending	SB 2308	Classification Pending	Voting Rights Act
§ 3		SB 2308	Eff date	Voting Rights Act
475				
§ 1	63-15-4	SB 2593	Amended	July 1, 2013
§ 2		SB 2593	Eff date	July 1, 2013
476				
§ 1	13-5-41	SB 2015	Amended	July 1, 2013
§ 2		SB 2015	Eff date	July 1, 2013
477				
§ 1	73-67-1	SB 2737	Reenacted	July 1, 2013
§ 2	73-67-3	SB 2737	Reenacted	July 1, 2013
§ 3	73-67-5	SB 2737	Reenacted	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 4	73-67-7	SB 2737	Amended	July 1, 2013
§ 5	73-67-9	SB 2737	Reenacted	July 1, 2013
§ 6	73-67-11	SB 2737	Reenacted	July 1, 2013
§ 7	73-67-13	SB 2737	Reenacted	July 1, 2013
§ 8	73-67-15	SB 2737	Reenacted	July 1, 2013
§ 9	73-67-17	SB 2737	Reenacted	July 1, 2013
§ 10	73-67-19	SB 2737	Reenacted	July 1, 2013
§ 11	73-67-21	SB 2737	Amended	July 1, 2013
§ 12	73-67-23	SB 2737	Amended	July 1, 2013
§ 13	73-67-25	SB 2737	Amended	July 1, 2013
§ 14	73-67-27	SB 2737	Reenacted	July 1, 2013
§ 15	73-67-29	SB 2737	Amended	July 1, 2013
§ 16	73-67-31	SB 2737	Reenacted	July 1, 2013
§ 17	73-67-33	SB 2737	Reenacted	July 1, 2013
§ 18	73-67-35	SB 2737	Amended	July 1, 2013
§ 19	73-67-37	SB 2737	Reenacted	July 1, 2013
§ 20	73-67-39	SB 2737	Amended	July 1, 2013
§ 21		SB 2737	Eff date	July 1, 2013
478				
§ 1	Classification Pending	SB 2209	Classification Pending	July 1, 2013
§ 2	Classification Pending	SB 2209	Classification Pending	July 1, 2013
§ 3	25-15-9	SB 2209	Amended	July 1, 2013
§ 4		SB 2209	Eff date	July 1, 2013
479				
§ 1	31-5-37	SB 2528	Amended	AP-Apr. 1, 2013
§ 2		SB 2528	Eff date	AP-Apr. 1, 2013
480				
§ 1	47-4-1	SB 2547	Amended	AP-Apr. 1, 2013
§ 2		SB 2547	Eff date	AP-Apr. 1, 2013
481				
§ 1	Classification Pending	SB 2553	Classification Pending	
§ 2	Classification Pending	SB 2553	Classification Pending	
§ 3		SB 2553	Eff date	
482				
§ 1	41-111-1	HB 125	Amended	July 1, 2013
§ 2		HB 125	Eff date	July 1, 2013
483				
§ 1	97-5-39	HB 1259	Amended	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 2		HB 1259	Eff date	July 1, 2013
484				
§ 1	41-29-176	HB 240	Amended	July 1, 2013
§ 2		HB 240	Eff date	July 1, 2013
485				
§ 1	27-19-81	SB 2451	Amended	July 1, 2013
§ 2	63-5-33	SB 2451	Amended	July 1, 2013
§ 3		SB 2451	Eff date	July 1, 2013
486				
§ 1	57-91-5	SB 2147	Amended	July 1, 2013
§ 2	57-91-7	SB 2147	Amended	July 1, 2013
§ 3	57-91-9	SB 2147	Amended	July 1, 2013
§ 4		SB 2147	Eff date	July 1, 2013
487				
§ 1	Classification Pending	SB 2700	Classification Pending	AP-Apr. 4, 2013
§ 2		SB 2700	Eff date	AP-Apr. 4, 2013
488				
§ 1	25-11-106	SB 2405	Amended	Oct. 1, 2013
§ 2	25-11-123	SB 2405	Amended	Oct. 1, 2013
§ 3	25-11-125	SB 2405	Amended	Oct. 1, 2013
§ 4		SB 2405	Eff date	Oct. 1, 2013
489				
§ 1	63-11-30	HB 481	Amended	July 1, 2014
§ 2	63-11-31	HB 481	Amended	July 1, 2014
§ 3	63-1-21	HB 481	Amended	July 1, 2014
§ 4	63-1-43	HB 481	Amended	July 1, 2014
§ 5	63-1-47	HB 481	Amended	July 1, 2014
§ 6	63-11-21	HB 481	Amended	July 1, 2014
§ 7	63-11-23	HB 481	Amended	July 1, 2014
§ 8		HB 481	Eff date	July 1, 2014
490				
§ 1	57-89-3	SB 2462	Amended	AP-Apr. 12, 2013
§ 2	57-89-7	SB 2462	Amended	AP-Apr. 12, 2013
§ 3		SB 2462	Eff date	AP-Apr. 12, 2013
491				
§ 1	37-144-7	SB 2302	Amended	July 1, 2013
§ 2		SB 2302	Eff date	July 1, 2013
492				
§ 1	73-25-23	SB 2082	Amended	AP-Apr. 16, 2013
§ 2		SB 2082	Eff date	AP-Apr. 16, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
493				
§ 1	37-21-51	SB 2395	Amended	July 1, 2013
§ 2	37-21-53	SB 2395	Amended	July 1, 2013
§ 3	37-7-301	SB 2395	Amended	July 1, 2013
§ 4	37-21-3	SB 2395	Amended	July 1, 2013
§ 5	37-21-5	SB 2395	Amended	July 1, 2013
§ 6	Classification Pending	SB 2395	Added	July 1, 2013
§ 7	37-21-55	SB 2395	Repealed	July 1, 2013
§ 8		SB 2395	Eff date	July 1, 2013
494				
§ 1	Classification Pending	SB 2658	Classification Pending	July 1, 2013
§ 2	37-16-7	SB 2658	Amended	July 1, 2013
§ 3	Classification Pending	SB 2658	Classification Pending	July 1, 2013
§ 4	Classification Pending	SB 2658	Classification Pending	July 1, 2013
§ 5	37-3-53	SB 2658	Amended	July 1, 2013
§ 6	37-18-1	SB 2658	Amended	July 1, 2013
§ 7	37-19-7	SB 2658	Amended	July 1, 2013
§ 8		SB 2658	Eff date	July 1, 2013
495				
§ 1	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013
§ 2	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013
§ 3	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013
§ 4	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013
§ 5	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013
§ 6	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013
§ 7	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013
§ 8	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013
§ 9	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013
§ 10	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 11	Classification Pending	SB 2347	Classification Pending	AP-Apr. 18, 2013
§ 12	37-13-91	SB 2347	Amended	AP-Apr. 18, 2013
§ 13		SB 2347	Eff date	AP-Apr. 18, 2013
496				
§ 1	37-3-2	SB 2188	Amended	July 1, 2013
§ 2		SB 2188	Eff date	July 1, 2013
497				
§ 1	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 2	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 3	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 4	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 5	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 6	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 7	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 8	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 9	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 10	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 11	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 12	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 13	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 14	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 15	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 16	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 17	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 18	Classification Pending	HB 369	Classification Pending	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 19	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 20	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 21	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 22	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 23	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 24	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 25	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 26	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 27	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 28	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 29	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 30	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 31	Classification Pending	HB 369	Classification Pending	July 1, 2013
§ 32	11-46-1	HB 369	Amended	July 1, 2013
§ 33	25-41-3	HB 369	Amended	July 1, 2013
§ 34	25-61-3	HB 369	Amended	July 1, 2013
§ 35	31-7-1	HB 369	Amended	July 1, 2013
§ 36	37-1-3	HB 369	Amended	July 1, 2013
§ 37	37-1-12	HB 369	Amended	July 1, 2013
§ 38	37-1-13	HB 369	Amended	July 1, 2013
§ 39	37-3-2	HB 369	Amended	July 1, 2013
§ 40	37-3-4	HB 369	Amended	July 1, 2013
§ 41	37-3-5	HB 369	Amended	July 1, 2013
§ 42	37-3-11	HB 369	Amended	July 1, 2013
§ 43	37-3-46	HB 369	Amended	July 1, 2013
§ 44	37-3-49	HB 369	Amended	July 1, 2013
§ 45	37-3-51	HB 369	Amended	July 1, 2013
§ 46	37-3-53	HB 369	Amended	July 1, 2013
§ 47	37-3-61	HB 369	Amended	July 1, 2013
§ 48	37-3-105	HB 369	Amended	July 1, 2013
§ 49	37-5-61	HB 369	Amended	July 1, 2013

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§ 50	37-7-455	HB 369	Amended	July 1, 2013
§ 51	37-7-473	HB 369	Amended	July 1, 2013
§ 52	37-9-1	HB 369	Amended	July 1, 2013
§ 53	37-9-103	HB 369	Amended	July 1, 2013
§ 54	37-11-1	HB 369	Amended	July 1, 2013
§ 55	37-11-17	HB 369	Amended	July 1, 2013
§ 56	37-11-25	HB 369	Reenacted	July 1, 2013
§ 57	37-11-57	HB 369	Amended	July 1, 2013
§ 58	37-13-21	HB 369	Amended	July 1, 2013
§ 59	37-13-41	HB 369	Amended	July 1, 2013
§ 60	37-13-91	HB 369	Amended	July 1, 2013
§ 61	37-15-1	HB 369	Amended	July 1, 2013
§ 62	37-15-3	HB 369	Amended	July 1, 2013
§ 63	37-15-6	HB 369	Amended	July 1, 2013
§ 64	37-15-9	HB 369	Amended	July 1, 2013
§ 65	37-16-1	HB 369	Amended	July 1, 2013
§ 66	37-16-3	HB 369	Amended	July 1, 2013
§ 67	37-17-1	HB 369	Amended	July 1, 2013
§ 68	37-17-6	HB 369	Amended	July 1, 2013
§ 69	37-18-1	HB 369	Amended	July 1, 2013
§ 70	37-21-3	HB 369	Amended	July 1, 2013
§ 71	37-41-1	HB 369	Amended	July 1, 2013
§ 72	37-41-3	HB 369	Amended	July 1, 2013
§ 73	37-41-23	HB 369	Amended	July 1, 2013
§ 74	37-41-25	HB 369	Reenacted	July 1, 2013
§ 75	37-41-31	HB 369	Amended	July 1, 2013
§ 76	37-41-43	HB 369	Amended	July 1, 2013
§ 77	37-41-45	HB 369	Amended	July 1, 2013
§ 78	37-41-49	HB 369	Amended	July 1, 2013
§ 79	37-41-53	HB 369	Amended	July 1, 2013
§ 80	37-41-57	HB 369	Reenacted	July 1, 2013
§ 81	37-43-1	HB 369	Amended	July 1, 2013
§ 82	37-43-39	HB 369	Reenacted	July 1, 2013
§ 83	37-45-23	HB 369	Amended	July 1, 2013
§ 84	37-47-9	HB 369	Amended	July 1, 2013
§ 85	37-143-11	HB 369	Amended	July 1, 2013
§ 86	37-143-12	HB 369	Amended	July 1, 2013
§ 87	37-151-5	HB 369	Amended	July 1, 2013
§ 88	37-151-7	HB 369	Amended	July 1, 2013
§ 89	37-151-101	HB 369	Amended	July 1, 2013
§ 90	37-151-103	HB 369	Amended	July 1, 2013

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§ 91	37-57-107	HB 369	Amended	July 1, 2013
§ 92	37-165-27	HB 369	Repealed	July 1, 2013
§ 93	Classification Pending	HB 369	Repealed	July 1, 2013
§ 94		HB 369	Eff date	July 1, 2013
498				
§ 1	27-65-103	SB 2244	Amended	July 1, 2013
§ 2	27-65-111	SB 2244	Amended	July 1, 2013
§ 3		SB 2244	Eff date	July 1, 2013
499				
§ 1	81-18-3	SB 2696	Amended	July 1, 2013
§ 2	81-18-9	SB 2696	Amended	July 1, 2013
§ 3	81-18-13	SB 2696	Amended	July 1, 2013
§ 4	81-18-15	SB 2696	Amended	July 1, 2013
§ 5	81-18-17	SB 2696	Amended	July 1, 2013
§ 6	81-18-21	SB 2696	Amended	July 1, 2013
§ 7	81-18-23	SB 2696	Amended	July 1, 2013
§ 8	81-18-35	SB 2696	Amended	July 1, 2013
§ 9		SB 2696	Eff date	July 1, 2013
500				
§ 1	Classification Pending	SB 2171	Classification Pending	July 1, 2013
§ 2	Classification Pending	SB 2171	Added	July 1, 2013
§ 3		SB 2171	Eff date	July 1, 2013
501				
§ 1	49-7-5	HB 1001	Amended	July 1, 2013
§ 2	49-7-20	HB 1001	Amended	July 1, 2013
§ 3		HB 1001	Eff date	July 1, 2013
502				
§ 1	59-11-3	HB 750	Amended	July 1, 2013
§ 2		HB 750	Eff date	July 1, 2013
503				
§ 1	Classification Pending	HB 1216	Classification Pending	AP-Apr. 25, 2013
§ 2		HB 1216	Eff date	AP-Apr. 25, 2013
504				
§ 1	27-7-22.31	HB 1003	Amended	July 1, 2013
§ 2	Classification Pending	HB 1003	Classification Pending	July 1, 2013
§ 3		HB 1003	Eff date	July 1, 2013

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505				
§ 1	57-117-3	HB 722	Amended	July 1, 2013
§ 2	57-117-5	HB 722	Amended	July 1, 2013
§ 3	57-117-7	HB 722	Amended	July 1, 2013
§ 4		HB 722	Eff date	July 1, 2013
506				
§ 1	57-105-1	HB 934	Amended	Jan. 1, 2007
§ 2		HB 934	Eff date	Jan. 1, 2007
507				
§ 1	83-11-102	HB 545	Amended	July 1, 2013
§ 2		HB 545	Eff date	July 1, 2013
508				
§ 1	Classification Pending	HB 301	Classification Pending	July 1, 2013
§ 2		HB 301	Eff date	July 1, 2013
509				
§ 1	Classification Pending	HB 552	Classification Pending	AP-Apr. 24, 2013
§ 2	Classification Pending	HB 552	Classification Pending	AP-Apr. 24, 2013
§ 3	Classification Pending	HB 552	Classification Pending	AP-Apr. 24, 2013
§ 4		HB 552	Eff date	AP-Apr. 24, 2013
510				
§ 1	97-1-7	HB 28	Amended	July 1, 2013
§ 2		HB 28	Eff date	July 1, 2013
511				
§ 1	97-5-51	HB 151	Amended	July 1, 2013
§ 2		HB 151	Eff date	July 1, 2013
512				
§ 1	Classification Pending	SB 2780	Classification Pending	July 1, 2013
§ 2	Classification Pending	SB 2780	Classification Pending	July 1, 2013
§ 3	Classification Pending	SB 2780	Classification Pending	July 1, 2013
§ 4	Classification Pending	SB 2780	Classification Pending	July 1, 2013
§ 5	Classification Pending	SB 2780	Classification Pending	July 1, 2013
§ 6	Classification Pending	SB 2780	Classification Pending	July 1, 2013
§ 7	Classification Pending	SB 2780	Classification Pending	July 1, 2013

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§ 8	Classification Pending	SB 2780	Classification Pending	July 1, 2013
§ 9	Classification Pending	SB 2780	Classification Pending	July 1, 2013
§ 10		SB 2780	Eff date	July 1, 2013
513				
§ 1	41-67-1	HB 719	Amended	July 1, 2013
§ 2	41-67-2	HB 719	Reenacted	July 1, 2013
§ 3	41-67-3	HB 719	Reenacted	July 1, 2013
§ 4	41-67-4	HB 719	Reenacted	July 1, 2013
§ 5	41-67-5	HB 719	Reenacted	July 1, 2013
§ 6	41-67-6	HB 719	Reenacted	July 1, 2013
§ 7	41-67-7	HB 719	Reenacted	July 1, 2013
§ 8	41-67-9	HB 719	Reenacted	July 1, 2013
§ 9	41-67-10	HB 719	Reenacted	July 1, 2013
§ 10	41-67-11	HB 719	Reenacted	July 1, 2013
§ 11	41-67-12	HB 719	Reenacted	July 1, 2013
§ 12	41-67-15	HB 719	Reenacted	July 1, 2013
§ 13	41-67-19	HB 719	Reenacted	July 1, 2013
§ 14	41-67-21	HB 719	Reenacted	July 1, 2013
§ 15	41-67-23	HB 719	Reenacted	July 1, 2013
§ 16	41-67-25	HB 719	Reenacted	July 1, 2013
§ 17	41-67-27	HB 719	Reenacted	July 1, 2013
§ 18	41-67-28	HB 719	Reenacted	July 1, 2013
§ 19	41-67-29	HB 719	Reenacted	July 1, 2013
§ 20	41-67-33	HB 719	Reenacted	July 1, 2013
§ 21	41-67-35	HB 719	Repealed	July 1, 2013
§ 22	41-67-37	HB 719	Reenacted	July 1, 2013
§ 23	41-67-39	HB 719	Reenacted	July 1, 2013
§ 24	41-67-41	HB 719	Added	July 1, 2013
§ 25	41-67-33	HB 719	Amended	July 1, 2013
§ 25	41-67-31	HB 719	Amended	July 1, 2013
§ 26		HB 719	Eff date	July 1, 2013
514				
§ 1	49-7-13	HB 1005	Amended	July 1, 2013
§ 2	49-7-53	HB 1005	Amended	July 1, 2013
§ 3	49-7-65	HB 1005	Amended	July 1, 2013
§ 4		HB 1005	Eff date	July 1, 2013
515				
§ 1	43-1-3	HB 1009	Amended	July 1, 2013
§ 2		HB 1009	Eff date	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
516				
§ 1	Classification Pending	HB 132	Classification Pending	AP-Apr. 24, 2013
§ 2	Classification Pending	HB 132	Classification Pending	AP-Apr. 24, 2013
§ 3	Classification Pending	HB 132	Classification Pending	AP-Apr. 24, 2013
§ 4	Classification Pending	HB 132	Classification Pending	AP-Apr. 24, 2013
§ 5		HB 132	Eff date	AP-Apr. 24, 2013
517				
§ 1	63-1-46	HB 1015	Amended	July 1, 2013
§ 2	63-1-45	HB 1015	Amended	July 1, 2013
§ 3	Classification Pending	HB 1015	Classification Pending	July 1, 2013
§ 4		HB 1015	Eff date	July 1, 2013
518				
§ 1	Classification Pending	HB 901	Classification Pending	July 1, 2013
§ 2	43-13-405	HB 901	Amended	July 1, 2013
§ 3	43-13-407	HB 901	Amended	July 1, 2013
§ 4	Classification Pending	HB 901	Classification Pending	July 1, 2013
§ 5	Classification Pending	HB 901	Classification Pending	July 1, 2013
§ 6		HB 901	Eff date	July 1, 2013
519				
§ 1	31-7-13	HB 1293	Amended	July 1, 2013
§ 2		HB 1293	Eff date	July 1, 2013
520				
§ 1	7-7-211	HB 919	Amended	July 1, 2013
§ 2	7-7-213	HB 919	Amended	July 1, 2013
§ 3	29-9-13	HB 919	Amended	July 1, 2013
§ 4		HB 919	Eff date	July 1, 2013
521				
§ 1	45-33-23	SB 2732	Amended	Jan. 1, 2014
§ 2	45-33-25	SB 2732	Amended	Jan. 1, 2014
§ 3	45-33-47	SB 2732	Amended	Jan. 1, 2014
§ 4	45-33-45	SB 2732	Added	Jan. 1, 2014
§ 5	45-33-31	SB 2732	Amended	Jan. 1, 2014
§ 6	45-33-33	SB 2732	Amended	Jan. 1, 2014
§ 7	45-33-36	SB 2732	Amended	Jan. 1, 2014
§ 8		SB 2732	Eff date	Jan. 1, 2014

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
522				
§ 1	Classification Pending	HB 1335	Classification Pending	July 1, 2013
§ 2		HB 1335	Eff date	July 1, 2013
523				
§ 1	73-7-1	HB 1164	Reenacted	July 1, 2013
§ 2	73-7-2	HB 1164	Amended	July 1, 2013
§ 3	73-7-3	HB 1164	Reenacted	July 1, 2013
§ 4	73-7-5	HB 1164	Reenacted	July 1, 2013
§ 5	73-7-7	HB 1164	Amended	July 1, 2013
§ 6	73-7-9	HB 1164	Amended	July 1, 2013
§ 7	73-7-11	HB 1164	Reenacted	July 1, 2013
§ 8	73-7-12	HB 1164	Amended	July 1, 2013
§ 9	73-7-13	HB 1164	Amended	July 1, 2013
§ 10	73-7-14	HB 1164	Amended	July 1, 2013
§ 11	73-7-15	HB 1164	Amended	July 1, 2013
§ 12	73-7-16	HB 1164	Amended	July 1, 2013
§ 13	73-7-17	HB 1164	Amended	July 1, 2013
§ 14	73-7-18	HB 1164	Reenacted	July 1, 2013
§ 15	73-7-19	HB 1164	Amended	July 1, 2013
§ 16	73-7-21	HB 1164	Amended	July 1, 2013
§ 17	73-7-23	HB 1164	Amended	July 1, 2013
§ 18	73-7-25	HB 1164	Reenacted	July 1, 2013
§ 19	73-7-27	HB 1164	Amended	July 1, 2013
§ 20	73-7-29	HB 1164	Reenacted	July 1, 2013
§ 21	73-7-31	HB 1164	Reenacted	July 1, 2013
§ 22	73-7-33	HB 1164	Amended	July 1, 2013
§ 23	73-7-35	HB 1164	Amended	July 1, 2013
§ 24	73-7-37	HB 1164	Amended	July 1, 2013
§ 25	73-7-61	HB 1164	Repealed	July 1, 2013
§ 25	73-7-59	HB 1164	Repealed	July 1, 2013
§ 25	73-7-57	HB 1164	Repealed	July 1, 2013
§ 25	73-7-55	HB 1164	Repealed	July 1, 2013
§ 25	73-7-53	HB 1164	Repealed	July 1, 2013
§ 25	73-7-51	HB 1164	Repealed	July 1, 2013
§ 26	73-7-71	HB 1164	Amended	July 1, 2013
§ 27	73-7-63	HB 1164	Amended	July 1, 2013
§ 28		HB 1164	Eff date	July 1, 2013
524				
§ 1	Classification Pending	HB 1231	Classification Pending	AP-Apr. 24, 2013
§ 2		HB 1231	Eff date	AP-Apr. 24, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
525				
§ 1	Classification Pending	SB 2133	Classification Pending	AP-Apr. 24, 2013
§ 2		SB 2133	Eff date	AP-Apr. 24, 2013
526				
§ 1	77-3-5	SB 2322	Amended	July 1, 2013
§ 2	Classification Pending	SB 2322	Classification Pending	July 1, 2013
§ 3		SB 2322	Eff date	July 1, 2013
527				
§ 1	93-9-15	SB 2010	Amended	AP-Apr. 24, 2013
§ 2		SB 2010	Eff date	AP-Apr. 24, 2013
528				
§ 1	25-1-111	SB 2625	Added	July 1, 2013
§ 2		SB 2625	Eff date	July 1, 2013
529				
§ 1	Classification Pending	SB 2383	Classification Pending	AP-Apr. 24, 2013
§ 2		SB 2383	Eff date	AP-Apr. 24, 2013
530				
§ 1	Classification Pending	SB 2385	Classification Pending	July 1, 2013
§ 2		SB 2385	Eff date	July 1, 2013
531				
§ 1	43-21-261	SB 2388	Amended	July 1, 2013
§ 2		SB 2388	Eff date	July 1, 2013
532				
§ 1	Classification Pending	SB 2730	Classification Pending	AP-Apr. 24, 2013
§ 2	Classification Pending	SB 2730	Classification Pending	AP-Apr. 24, 2013
§ 3		SB 2730	Eff date	AP-Apr. 24, 2013
533				
§ 1	27-25-501	HB 1698	Amended	July 1, 2013
§ 2	27-25-503	HB 1698	Amended	July 1, 2013
§ 3	27-25-505	HB 1698	Amended	July 1, 2013
§ 4	27-25-701	HB 1698	Amended	July 1, 2013
§ 5	27-25-703	HB 1698	Amended	July 1, 2013
§ 6	27-25-705	HB 1698	Amended	July 1, 2013
§ 7	Classification Pending	HB 1698	Classification Pending	July 1, 2013
§ 8		HB 1698	Eff date	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
534				
§ 1	57-40-1	SB 2564	Amended	July 1, 2013
§ 2	57-40-3	SB 2564	Amended	July 1, 2013
§ 3	57-40-5	SB 2564	Amended	July 1, 2013
§ 4	57-40-7	SB 2564	Amended	July 1, 2013
§ 5		SB 2564	Eff date	July 1, 2013
535				
§ 1	Classification Pending	HB 1685	Classification Pending	July 1, 2013
§ 2	Classification Pending	HB 1685	Classification Pending	July 1, 2013
§ 3		HB 1685	Eff date	July 1, 2013
536				
§ 1	57-39-21	HB 1281	Amended	July 1, 2013
§ 2		HB 1281	Eff date	July 1, 2013
537				
§ 1	27-65-107	HB 844	Amended	July 1, 2014
§ 2	27-65-19	HB 844	Amended	July 1, 2014
§ 3	27-65-75	HB 844	Amended	July 1, 2014
§ 4	27-38-5	HB 844	Amended	July 1, 2014
§ 5	19-5-343	HB 844	Amended	July 1, 2014
§ 6	Classification Pending	HB 844	Classification Pending	July 1, 2014
§ 7		HB 844	Eff date	July 1, 2014
538				
§ 1	Classification Pending	HB 1296	Classification Pending	July 1, 2013
§ 2	57-39-1	HB 1296	Amended	July 1, 2013
§ 3	57-39-9	HB 1296	Amended	July 1, 2013
§ 4	57-39-11	HB 1296	Amended	July 1, 2013
§ 5	57-39-19	HB 1296	Amended	July 1, 2013
§ 6	57-39-39	HB 1296	Amended	July 1, 2013
§ 7	57-39-112	HB 1296	Amended	July 1, 2013
§ 8	Classification Pending	HB 1296	Classification Pending	July 1, 2013
§ 9	57-39-15	HB 1296	Repealed	July 1, 2013
§ 10	57-39-17	HB 1296	Repealed	July 1, 2013
§ 11	57-39-23	HB 1296	Repealed	July 1, 2013
§ 12	57-39-25	HB 1296	Repealed	July 1, 2013
§ 13	57-39-27	HB 1296	Repealed	July 1, 2013
§ 14	57-39-29	HB 1296	Repealed	July 1, 2013
§ 15	57-39-31	HB 1296	Repealed	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 16	57-39-33	HB 1296	Repealed	July 1, 2013
§ 17	57-39-35	HB 1296	Repealed	July 1, 2013
§ 18	57-39-41	HB 1296	Repealed	July 1, 2013
§ 19	57-39-105	HB 1296	Repealed	July 1, 2013
§ 20	57-39-107	HB 1296	Repealed	July 1, 2013
§ 21	57-39-111	HB 1296	Repealed	July 1, 2013
§ 22	57-39-113	HB 1296	Repealed	July 1, 2013
§ 23	57-39-115	HB 1296	Repealed	July 1, 2013
§ 24	57-39-201	HB 1296	Repealed	July 1, 2013
§ 25	57-39-203	HB 1296	Repealed	July 1, 2013
§ 26	57-39-205	HB 1296	Repealed	July 1, 2013
§ 27		HB 1296	Eff date	July 1, 2013
539				
§ 1	31-11-35	HB 1266	Amended	July 1, 2013
§ 2		HB 1266	Eff date	July 1, 2013
540				
§ 1	Classification Pending	HB 826	Classification Pending	July 1, 2013
§ 2	Classification Pending	HB 826	Classification Pending	July 1, 2013
§ 3	Classification Pending	HB 826	Classification Pending	July 1, 2013
§ 4	Classification Pending	HB 826	Classification Pending	July 1, 2013
§ 5	Classification Pending	HB 826	Classification Pending	July 1, 2013
§ 6		HB 826	Eff date	July 1, 2013
541				
§ 1	73-21-83	HB 777	Amended	July 1, 2013
§ 2	73-21-91	HB 777	Amended	July 1, 2013
§ 3	73-21-153	HB 777	Amended	July 1, 2013
§ 4	73-21-157	HB 777	Amended	July 1, 2013
§ 5	73-21-159	HB 777	Amended	July 1, 2013
§ 6		HB 777	Eff date	July 1, 2013
542				
§ 1	73-7-11	HB 1208	Amended	July 1, 2013
§ 2		HB 1208	Eff date	July 1, 2013
543				
§ 1	97-3-54	HB 673	Amended	July 1, 2013
§ 2	97-3-54.1	HB 673	Amended	July 1, 2013
§ 3	97-3-54.3	HB 673	Amended	July 1, 2013
§ 4	97-3-54.4	HB 673	Amended	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 5	97-3-54.5	HB 673	Added	July 1, 2013
§ 6	97-3-54.6	HB 673	Added	July 1, 2013
§ 7	97-3-54.7	HB 673	Added	July 1, 2013
§ 8	97-3-54.8	HB 673	Added	July 1, 2013
§ 9	97-3-54.9	HB 673	Added	July 1, 2013
§ 10	97-29-49	HB 673	Amended	July 1, 2013
§ 11	97-29-51	HB 673	Amended	July 1, 2013
§ 12	97-29-53	HB 673	Repealed	July 1, 2013
§ 13	97-43-3	HB 673	Amended	July 1, 2013
§ 14	97-5-5	HB 673	Amended	July 1, 2013
§ 15	97-5-7	HB 673	Amended	July 1, 2013
§ 16	97-5-27	HB 673	Amended	July 1, 2013
§ 17	97-5-31	HB 673	Amended	July 1, 2013
§ 18	99-1-5	HB 673	Amended	July 1, 2013
§ 19		HB 673	Eff date	July 1, 2013
544				
§ 1	Classification Pending	HB 1538	Classification Pending	AP-Apr. 24, 2013
§ 2	65-3-71.88	HB 1538	Amended	AP-Apr. 24, 2013
§ 3		HB 1538	Eff date	AP-Apr. 24, 2013
545				
§ 1	7-7-203	HB 1256	Amended	
§ 2		HB 1256	Eff date	
546				
§ 1	Classification Pending	SB 2659	Classification Pending	
§ 2	Classification Pending	SB 2659	Classification Pending	
§ 3		SB 2659	Eff date	
547				
§ 1	61-13-13	SB 2681	Amended	July 1, 2013
§ 2	Classification Pending	SB 2681	Classification Pending	July 1, 2013
§ 3		SB 2681	Eff date	July 1, 2013
548				
§ 1	11-7-13	HB 477	Amended	AP-Apr. 24, 2013
§ 2		HB 477	Eff date	AP-Apr. 24, 2013
549				
§ 1	41-4-7	SB 2670	Amended	July 1, 2013
§ 2	41-4-10	SB 2670	Added	July 1, 2013
§ 3		SB 2670	Eff date	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
550				
§ 1	9-11-29	SB 2046	Amended	July 1, 2013
§ 2		SB 2046	Eff date	July 1, 2013
551				
§ 1	Classification Pending	SB 2795	Classification Pending	July 1, 2013
§ 2	Classification Pending	SB 2795	Classification Pending	July 1, 2013
§ 3	Classification Pending	SB 2795	Classification Pending	July 1, 2013
§ 4	Classification Pending	SB 2795	Classification Pending	July 1, 2013
§ 5	Classification Pending	SB 2795	Classification Pending	July 1, 2013
§ 6	Classification Pending	SB 2795	Classification Pending	July 1, 2013
§ 7	Classification Pending	SB 2795	Classification Pending	July 1, 2013
§ 8	Classification Pending	SB 2795	Classification Pending	July 1, 2013
§ 9	Classification Pending	SB 2795	Classification Pending	July 1, 2013
§ 10		SB 2795	Eff date	July 1, 2013
552				
§ 1	43-21-615	HB 1516	Amended	July 1, 2013
§ 2		HB 1516	Eff date	July 1, 2013
553				
§ 1	41-85-7	HB 411	Amended	AP-Apr. 24, 2013
§ 2		HB 411	Eff date	AP-Apr. 24, 2013
554				
§ 1	93-13-38	HB 725	Amended	July 2, 2013
§ 2	93-13-67	HB 725	Amended	July 2, 2013
§ 3	93-13-77	HB 725	Amended	July 2, 2013
§ 4		HB 725	Eff date	July 2, 2013
555				
§ 1	97-3-19	SB 2377	Amended	July 1, 2013
§ 2	97-3-21	SB 2377	Amended	July 1, 2013
§ 3		SB 2377	Eff date	July 1, 2013
556				
§ 1	99-19-101	SB 2223	Amended	July 1, 2013
§ 2	73-3-57	SB 2223	Amended	July 1, 2013
§ 3	97-9-11	SB 2223	Amended	July 1, 2013
§ 4		SB 2223	Eff date	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
557				
§ 1	99-19-71	HB 1043	Amended	July 1, 2013
§ 2		HB 1043	Eff date	July 1, 2013
558				
§ 1	57-26-3	SB 2463	Amended	July 1, 2013
§ 2	57-26-1	SB 2463	Amended	July 1, 2013
§ 3		SB 2463	Eff date	July 1, 2013
559				
§ 1	37-13-91	HB 1530	Amended	July 1, 2013
§ 2	37-151-5	HB 1530	Amended	July 1, 2013
§ 3		HB 1530	Eff date	July 1, 2013
560				
§ 1	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 2	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 3	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 4	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 5	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 6	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 7	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 8	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 9	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 10	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 11	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 12	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 13	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 14	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 15	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 16	Classification Pending	HB 276	Classification Pending	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 17	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 18	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 19	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 20	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 21	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 22	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 23	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 24	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 25	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 26	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 27	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 28	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 29	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 30	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 31	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 32	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 33	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 34	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 35	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 36	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 37	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 38	Classification Pending	HB 276	Classification Pending	July 1, 2013
§ 39	Classification Pending	HB 276	Classification Pending	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 40	27-19-56.1	HB 276	Amended	July 1, 2013
§ 41	27-19-56.185	HB 276	Amended	July 1, 2013
§ 42	27-19-56.246	HB 276	Amended	July 1, 2013
§ 43	27-19-56.27	HB 276	Amended	July 1, 2013
§ 44	49-15-17	HB 276	Reenacted	July 1, 2013
§ 45	27-19-56.318	HB 276	Amended	July 1, 2013
§ 46	27-19-56.15	HB 276	Amended	July 1, 2013
§ 47	27-19-56.22	HB 276	Amended	July 1, 2013
§ 48	27-19-56.226	HB 276	Amended	July 1, 2013
§ 49	27-19-56.200	HB 276	Amended	July 1, 2013
§ 50	27-19-56.201	HB 276	Amended	July 1, 2013
§ 51	27-51-41	HB 276	Amended	July 1, 2013
§ 52	27-19-47	HB 276	Amended	July 1, 2013
§ 53	27-19-47.2	HB 276	Amended	July 1, 2013
§ 54		HB 276	Eff date	July 1, 2013
561				
§ 1	Classification Pending	HB 517	Classification Pending	July 1, 2013
§ 2		HB 517	Eff date	July 1, 2013
562				
§ 1	37-13-91	HB 74	Amended	AP-Apr. 24, 2013
§ 2	37-41-27	HB 74	Amended	AP-Apr. 24, 2013
§ 3		HB 74	Eff date	AP-Apr. 24, 2013
563				
§ 1	37-17-6	SB 2396	Amended	July 1, 2013
§ 2		SB 2396	Eff date	July 1, 2013
564				
§ 1	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 2	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 3	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 4	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 5	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 6	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 7	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 8	Classification Pending	HB 896	Classification Pending	July 1, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 9	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 10	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 11	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 12	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 13	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 14	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 15	Classification Pending	HB 896	Classification Pending	July 1, 2013
§ 16		HB 896	Eff date	July 1, 2013
565				
§ 1	97-3-7	HB 709	Amended	July 1, 2013
§ 2	99-1-5	HB 709	Amended	July 1, 2013
§ 3		HB 709	Eff date	July 1, 2013
566				
§ 1	37-9-39	SB 2138	Amended	
§ 2	37-151-103	SB 2138	Amended	
§ 3	37-9-18	SB 2138	Amended	
§ 4	37-61-33	SB 2138	Amended	
§ 5	Classification Pending	SB 2138	Amended	
§ 6		SB 2138	Eff date	
567				
§ 1	57-75-15	HB 1049	Amended	AP-Apr. 24, 2013
§ 2	Classification Pending	HB 1049	Classification Pending	AP-Apr. 24, 2013
§ 3	Classification Pending	HB 1049	Classification Pending	AP-Apr. 24, 2013
§ 4	Classification Pending	HB 1049	Amended	AP-Apr. 24, 2013
§ 5	59-5-41	HB 1049	Amended	AP-Apr. 24, 2013
§ 6	59-5-51	HB 1049	Amended	AP-Apr. 24, 2013
§ 7	Classification Pending	HB 1049	Classification Pending	AP-Apr. 24, 2013
§ 8	Classification Pending	HB 1049	Classification Pending	AP-Apr. 24, 2013
§ 9	Classification Pending	HB 1049	Classification Pending	AP-Apr. 24, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 10	Classification Pending	HB 1049	Classification Pending	AP-Apr. 24, 2013
§ 11		HB 1049	Eff date	AP-Apr. 24, 2013
568	-			
§ 1	Classification Pending	SB 2637	Classification Pending	Voting Rights Act
§ 2	37-7-103	SB 2637	Amended	Voting Rights Act
§ 3	Classification Pending	SB 2637	Classification Pending	Voting Rights Act
§ 4		SB 2637	Eff date	Voting Rights Act
569				
§ 1	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 2	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 3	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 4	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 5	39-5-145	SB 2913	Amended	AP-Apr. 25, 2013
§ 6	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 7	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 8	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 9	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 10	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 11	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 12	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 13	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 14	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 15	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 16	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 17	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013

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2013 Laws, Chapter No., Section No.	Code §§ Affected	HB No. / SB No.	Disposition of Section	Effective Date
§ 18	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 19	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 20	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 21	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 22	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 23	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 24	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 25	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 26	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 27	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 28	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 29	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 30	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 31	57-1-18	SB 2913	Amended	AP-Apr. 25, 2013
§ 32	57-61-25	SB 2913	Amended	AP-Apr. 25, 2013
§ 33	57-61-36	SB 2913	Amended	AP-Apr. 25, 2013
§ 34	57-75-15	SB 2913	Amended	AP-Apr. 25, 2013
§ 35	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 36	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 37	49-17-85	SB 2913	Amended	AP-Apr. 25, 2013
§ 38	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 39	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 40	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013
§ 41	57-1-221	SB 2913	Amended	AP-Apr. 25, 2013
§ 42	Classification Pending	SB 2913	Classification Pending	AP-Apr. 25, 2013

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§ 43	7-1-403	SB 2913	Amended	AP-Apr. 25, 2013
§ 44		SB 2913	Eff date	AP-Apr. 25, 2013
570				
§ 1	63-21-39	HB 1344	Amended	July 1, 2013
§ 2	Classification Pending	HB 1344	Classification Pending	July 1, 2013
§ 3	Classification Pending	HB 1344	Classification Pending	July 1, 2013
§ 4	Classification Pending	HB 1344	Classification Pending	July 1, 2013
§ 5	Classification Pending	HB 1344	Classification Pending	July 1, 2013
§ 6	Classification Pending	HB 1344	Classification Pending	July 1, 2013
§ 7	Classification Pending	HB 1344	Classification Pending	July 1, 2013
§ 8		HB 1344	Eff date	July 1, 2013
571				
§ 1	27-65-101	HB 591	Amended	AP-Apr. 26, 2013
§ 2	57-73-21	HB 591	Amended	AP-Apr. 26, 2013
§ 3		HB 591	Eff date	AP-Apr. 26, 2013
572				
§ 1	Classification Pending	HB 716	Classification Pending	Voting Rights Act
§ 2	Classification Pending	HB 716	Classification Pending	Voting Rights Act
§ 3	37-7-103	HB 716	Amended	Voting Rights Act
§ 4	Classification Pending	HB 716	Classification Pending	Voting Rights Act
§ 5	Classification Pending	HB 716	Classification Pending	Voting Rights Act
§ 6		HB 716	Eff date	Voting Rights Act

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MS Code Section	Action	Chapter No.	HB No. / SB No.	Sec. No.	Pamphlet No.
3-3-1	Amended	398	hb1072	1	1
7-1-403	Amended	569	sb2913	43	3
7-3-57	Amended	368	hb0085	1	1
7-7-203	Amended	545	hb1256	1	3
7-7-211	Amended	520	hb0919	1	3
7-7-213	Amended	520	hb0919	2	3
9-1-49	Added	384	sb2647	2	1
9-7-3	Amended	361	hb0142	2	1
9-9-21	Amended	361	hb0142	1	1
9-9-35	Amended	361	hb0142	3	1
9-9-37	Amended	383	hb0943	1	1
9-11-29	Amended	550	sb2046	1	3
11-7-13	Amended	548	hb0477	1	3
11-46-1	Amended	385	sb2751	1	1
11-46-1	Amended	497	hb0369	32	3
11-46-17	Amended	385	sb2751	2	1
13-5-41	Amended	476	sb2015	1	2
17-25-1	Amended	344	sb2447	1	1
17-25-1	Amended	441	hb1326	1	2
17-25-25	Amended	364	hb0394	1	1
19-3-71	Amended	403	hb0921	1	1
19-5-73	Reenacted	396	hb1515	2	1
19-5-93	Amended	396	hb1515	1	1
19-5-343	Amended	537	hb0844	5	3
19-5-353	Amended	404	hb1080	1	1
19-5-357	Amended	404	hb1080	2	1
19-7-5	Amended	364	hb0394	2	1
21-1-59	Amended	1	hb0001	13	3
21-17-1	Amended	364	hb0394	3	1
21-19-67	Amended	396	hb1515	3	1
21-19-69	Reenacted	396	hb1515	4	1
21-23-7	Amended	358	hb0080	1	1
23-15-153	Amended	413	sb2238	1	1
23-15-153	Amended	456	sb2311	1	2
23-15-217	Amended	474	sb2308	1	2
23-15-227	Amended	366	sb2239	1	1
23-15-315	Amended	391	hb0275	2	1
23-15-951	Amended	432	hb0649	1	2
23-15-963	Amended	406	hb0533	1	1
25-1-111	Added	528	sb2625	1	3
25-9-119	Amended	387	sb2074	1	1
25-11-103	Amended	414	hb1174	1	1

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25-11-106	Amended	488	sb2405	1	2
25-11-121	Amended	428	hb0990	1	2
25-11-123	Amended	488	sb2405	2	2
25-11-125	Amended	488	sb2405	3	2
25-15-9	Amended	478	sb2209	3	2
25-41-3	Amended	497	hb0369	33	3
25-41-13	Amended	388	sb2070	1	1
25-53-29	Amended	430	hb1132	1	2
25-53-191	Amended	452	hb0508	2	2
25-61-3	Amended	497	hb0369	34	3
25-61-11.1	Added	307	hb0485	1	1
27-7-22.31	Amended	504	hb1003	1	3
27-7-22.32	Amended	449	sb2833	1	2
27-7-30	Amended	1	hb0001	8	3
27-7-49	Amended	470	hb0892	1	2
27-7-313	Amended	470	hb0892	4	2
27-13-5	Amended	419	sb2684	1	1
27-13-7	Amended	419	sb2684	2	1
27-13-17	Amended	419	sb2684	3	1
27-13-49	Amended	470	hb0892	2	2
27-19-47	Amended	560	hb0276	52	3
27-19-47.2	Amended	560	hb0276	53	3
27-19-56.1	Amended	560	hb0276	40	3
27-19-56.15	Amended	560	hb0276	46	3
27-19-56.22	Amended	560	hb0276	47	3
27-19-56.27	Amended	560	hb0276	43	3
27-19-81	Amended	485	sb2451	1	2
27-25-501	Amended	533	hb1698	1	3
27-25-503	Amended	533	hb1698	2	3
27-25-505	Amended	533	hb1698	3	3
27-25-701	Amended	533	hb1698	4	3
27-25-703	Amended	533	hb1698	5	3
27-25-705	Amended	533	hb1698	6	3
27-31-1	Amended	1	hb0001	14	3
27-31-53	Amended	325	sb2536	1	1
27-31-104	Amended	1	hb0001	9	3
27-33-19	Amended	409	sb2816	1	1
27-38-5	Amended	537	hb0844	4	3
27-43-3	Amended	365	sb2111	1	1
27-51-41	Amended	560	hb0276	51	3
27-55-527	Amended	411	sb2847	1	1
27-65-11	Amended	469	hb1680	1	2
27-65-19	Amended	310	hb0841	1	1
27-65-19	Amended	537	hb0844	2	3

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MS Code Section	Action	Chapter No.	HB No. / SB No.	Sec. No.	Pamphlet No.
27-65-33	Amended	420	hb1285	1	1
27-65-37	Amended	470	hb0892	6	2
27-65-42	Amended	470	hb0892	3	2
27-65-75	Amended	447	hb0117	3	2
27-65-75	Amended	537	hb0844	3	3
27-65-101	Amended	1	hb0001	10	3
27-65-101	Amended	462	sb2829	1	2
27-65-101	Amended	571	hb0591	1	3
27-65-103	Amended	498	sb2244	1	3
27-65-107	Amended	537	hb0844	1	3
27-65-111	Amended	498	sb2244	2	3
27-73-5	Amended	470	hb0892	5	2
27-104-33	Amended	441	hb1326	2	2
27-104-153	Reenacted	418	hb0478	2	1
27-104-155	Amended	418	hb0478	1	1
27-104-163	Added	388	sb2070	2	1
27-19-56.185	Amended	560	hb0276	41	3
27-19-56.200	Amended	560	hb0276	49	3
27-19-56.201	Amended	560	hb0276	50	3
27-19-56.226	Amended	560	hb0276	48	3
27-19-56.246	Amended	560	hb0276	42	3
27-19-56.318	Amended	560	hb0276	45	3
29-5-2	Amended	357	hb0770	2	1
29-5-77	Amended	357	hb0770	3	1
29-5-81	Amended	357	hb0770	4	1
29-9-13	Amended	520	hb0919	3	3
31-5-37	Amended	479	sb2528	1	2
31-7-1	Amended	362	hb0502	1	1
31-7-1	Amended	497	hb0369	35	3
31-7-9	Amended	362	hb0502	2	1
31-7-9	Amended	394	hb0964	1	1
31-7-13	Amended	390	sb2073	1	1
31-7-13	Amended	466	hb0524	3	2
31-7-13	Amended	519	hb1293	1	3
31-7-38	Amended	444	hb1169	1	2
31-11-35	Amended	401	hb0488	1	1
31-11-35	Amended	539	hb1266	1	3
31-19-25	Amended	1	hb0001	11	3
37-1-3	Amended	497	hb0369	36	3
37-1-12	Amended	497	hb0369	37	3
37-1-13	Amended	497	hb0369	38	3
37-3-2	Amended	350	sb2419	3	1
37-3-2	Amended	496	sb2188	1	3
37-3-2	Amended	497	hb0369	39	3

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MS Code Section	Action	Chapter No.	HB No. / SB No.	Sec. No.	Pamphlet No.
37-3-4	Amended	497	hb0369	40	3
37-3-5	Amended	497	hb0369	41	3
37-3-11	Amended	497	hb0369	42	3
37-3-46	Amended	497	hb0369	43	3
37-3-49	Amended	497	hb0369	44	3
37-3-51	Amended	497	hb0369	45	3
37-3-53	Amended	494	sb2658	5	3
37-3-53	Amended	497	hb0369	46	3
37-3-61	Amended	497	hb0369	47	3
37-3-105	Amended	497	hb0369	48	3
37-5-19	Amended	331	hb0975	2	1
37-5-19	Amended	363	sb2779	2	1
37-5-61	Amended	497	hb0369	49	3
37-7-103	Amended	568	sb2637	2	3
37-7-103	Amended	572	hb0716	3	3
37-7-207	Amended	331	hb0975	3	1
37-7-207	Amended	363	sb2779	3	1
37-7-301	Amended	493	sb2395	3	3
37-7-455	Amended	497	hb0369	50	3
37-7-473	Amended	497	hb0369	51	3
37-9-1	Amended	497	hb0369	52	3
37-9-18	Amended	566	sb2138	3	3
37-9-39	Amended	566	sb2138	1	3
37-9-103	Amended	497	hb0369	53	3
37-11-1	Amended	497	hb0369	54	3
37-11-17	Amended	497	hb0369	55	3
37-11-25	Reenacted	497	hb0369	56	3
37-11-57	Amended	497	hb0369	57	3
37-13-21	Amended	497	hb0369	58	3
37-13-41	Amended	497	hb0369	59	3
37-13-91	Amended	495	sb2347	12	3
37-13-91	Amended	497	hb0369	60	3
37-13-91	Amended	559	hb1530	1	3
37-13-91	Amended	562	hb0074	1	3
37-15-1	Amended	497	hb0369	61	3
37-15-3	Amended	497	hb0369	62	3
37-15-6	Amended	497	hb0369	63	3
37-15-9	Amended	497	hb0369	64	3
37-15-29	Amended	473	hb0879	1	2
37-16-1	Amended	497	hb0369	65	3
37-16-3	Amended	497	hb0369	66	3
37-16-7	Amended	494	sb2658	2	3
37-17-1	Amended	497	hb0369	67	3
37-17-6	Amended	497	hb0369	68	3

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37-17-6	Amended	563	sb2396	1	3
37-17-13	Amended	331	hb0975	1	1
37-17-13	Amended	363	sb2779	1	1
37-18-1	Amended	494	sb2658	6	3
37-18-1	Amended	497	hb0369	69	3
37-19-7	Amended	494	sb2658	7	3
37-21-3	Amended	493	sb2395	4	3
37-21-3	Amended	497	hb0369	70	3
37-21-5	Amended	493	sb2395	5	3
37-21-51	Amended	493	sb2395	1	3
37-21-53	Amended	493	sb2395	2	3
37-21-55	Repealed	493	sb2395	7	3
37-29-1	Amended	327	sb2499	4	1
37-29-63	Amended	327	sb2499	5	1
37-41-1	Amended	497	hb0369	71	3
37-41-3	Amended	497	hb0369	72	3
37-41-23	Amended	497	hb0369	73	3
37-41-25	Reenacted	497	hb0369	74	3
37-41-27	Amended	562	hb0074	2	3
37-41-31	Amended	497	hb0369	75	3
37-41-43	Amended	497	hb0369	76	3
37-41-45	Amended	497	hb0369	77	3
37-41-49	Amended	497	hb0369	78	3
37-41-53	Amended	497	hb0369	79	3
37-41-57	Reenacted	497	hb0369	80	3
37-43-1	Amended	497	hb0369	81	3
37-43-39	Reenacted	497	hb0369	82	3
37-45-23	Amended	497	hb0369	83	3
37-47-9	Amended	497	hb0369	84	3
37-57-107	Amended	497	hb0369	91	3
37-61-33	Amended	566	sb2138	4	3
37-101-13	Amended	327	sb2499	3	1
37-101-292	Amended	402	hb0373	1	1
37-103-25	Amended	438	hb0317	1	2
37-113-20	Added	452	hb0508	1	2
37-135-11	Repealed	417	hb0461	1	1
37-135-13	Repealed	417	hb0461	1	1
37-135-15	Repealed	417	hb0461	1	1
37-143-11	Amended	497	hb0369	85	3
37-143-12	Amended	497	hb0369	86	3
37-144-7	Amended	491	sb2302	1	3
37-146-1	Added	397	hb0776	1	1
37-146-3	Added	397	hb0776	2	1
37-146-5	Added	397	hb0776	3	1

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MS Code Section	Action	Chapter No.	HB No. / SB No.	Sec. No.	Pamphlet No.
37-146-7	Added	397	hb0776	4	1
37-146-9	Added	397	hb0776	5	1
37-146-11	Added	397	hb0776	6	1
37-146-13	Added	397	hb0776	7	1
37-146-17	Added	397	hb0776	8	1
37-146-19	Added	397	hb0776	9	1
37-146-21	Added	397	hb0776	10	1
37-151-5	Amended	497	hb0369	87	3
37-151-5	Amended	559	hb1530	2	3
37-151-7	Amended	497	hb0369	88	3
37-151-101	Amended	497	hb0369	89	3
37-151-103	Amended	497	hb0369	90	3
37-151-103	Amended	566	sb2138	2	3
37-157-1	Amended	467	hb0425	1	2
37-159-53	Amended	429	hb0672	1	2
37-165-27	Repealed	497	hb0369	92	3
39-5-145	Amended	569	sb2913	5	3
39-25-1	Amended	460	hb0135	1	2
41-4-7	Amended	549	sb2670	1	3
41-4-10	Added	549	sb2670	2	3
41-4-18	Added	443	sb2342	1	2
41-21-101	Amended	384	sb2647	4	1
41-29-117	Amended	378	sb2193	1	1
41-29-121	Amended	378	sb2193	2	1
41-29-176	Amended	484	hb0240	1	2
41-58-1	Amended	434	hb0069	1	2
41-58-3	Amended	434	hb0069	2	2
41-58-5	Amended	434	hb0069	3	2
41-59-35	Amended	311	sb2202	2	1
41-60-11	Amended	311	sb2202	1	1
41-67-1	Amended	513	hb0719	1	3
41-67-2	Reenacted	513	hb0719	2	3
41-67-3	Reenacted	513	hb0719	3	3
41-67-4	Reenacted	513	hb0719	4	3
41-67-5	Reenacted	513	hb0719	5	3
41-67-6	Reenacted	513	hb0719	6	3
41-67-7	Reenacted	513	hb0719	7	3
41-67-9	Reenacted	513	hb0719	8	3
41-67-10	Reenacted	513	hb0719	9	3
41-67-11	Reenacted	513	hb0719	10	3
41-67-12	Reenacted	513	hb0719	11	3
41-67-15	Reenacted	513	hb0719	12	3
41-67-19	Reenacted	513	hb0719	13	3
41-67-21	Reenacted	513	hb0719	14	3

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41-67-23	Reenacted	513	hb0719	15	3
41-67-25	Reenacted	513	hb0719	16	3
41-67-27	Reenacted	513	hb0719	17	3
41-67-28	Reenacted	513	hb0719	18	3
41-67-29	Reenacted	513	hb0719	19	3
41-67-31	Amended	513	hb0719	25	3
41-67-33	Reenacted	513	hb0719	20	3
41-67-33	Amended	513	hb0719	25	3
41-67-35	Repealed	513	hb0719	21	3
41-67-37	Reenacted	513	hb0719	22	3
41-67-39	Reenacted	513	hb0719	23	3
41-67-41	Added	513	hb0719	24	3
41-85-7	Amended	553	hb0411	1	3
41-111-1	Amended	482	hb0125	1	2
43-1-3	Amended	515	hb1009	1	3
43-3-103	Amended	336	hb0525	1	1
43-13-405	Amended	518	hb0901	2	3
43-13-407	Amended	518	hb0901	3	3
43-19-101	Amended	356	sb2338	1	1
43-21-105	Amended	426	hb1441	1	2
43-21-261	Amended	531	sb2388	1	3
43-21-615	Amended	552	hb1516	1	3
43-21-651	Amended	359	sb2076	1	1
43-37-3	Amended	1	hb0001	12	3
43-39-7	Amended	468	hb0436	2	2
43-39-9	Amended	468	hb0436	3	2
43-39-11	Amended	468	hb0436	4	2
45-2-1	Amended	385	sb2751	4	1
45-2-21	Amended	385	sb2751	5	1
45-6-11	Amended	425	hb1485	1	2
45-9-101	Amended	307	hb0485	2	1
45-9-101	Amended	308	hb0002	4	1
45-9-103	Added	384	sb2647	1	1
45-9-131	Amended	381	sb2047	1	1
45-11-1	Amended	360	hb0437	1	1
45-33-23	Amended	521	sb2732	1	3
45-33-25	Amended	521	sb2732	2	3
45-33-31	Amended	521	sb2732	5	3
45-33-33	Amended	521	sb2732	6	3
45-33-36	Amended	521	sb2732	7	3
45-33-45	Added	521	sb2732	4	3
45-33-47	Amended	521	sb2732	3	3
47-4-1	Amended	480	sb2547	1	2
47-5-931	Amended	422	hb0578	1	2

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MS Code Section	Action	Chapter No.	HB No. / SB No.	Sec. No.	Pamphlet No.
49-7-5	Amended	501	hb1001	1	3
49-7-9	Amended	471	hb1002	1	2
49-7-9.1	Added	471	hb1002	2	2
49-7-12	Amended	471	hb1002	3	2
49-7-12.1	Added	471	hb1002	4	2
49-7-13	Amended	514	hb1005	1	3
49-7-20	Amended	501	hb1001	2	3
49-7-31	Amended	439	hb1139	1	2
49-7-38	Amended	343	sb2048	1	1
49-7-53	Amended	514	hb1005	2	3
49-7-65	Amended	514	hb1005	3	3
49-7-201	Amended	440	hb1260	1	2
49-7-203	Amended	440	hb1260	2	2
49-15-15	Amended	450	sb2580	1	2
49-15-17	Reenacted	560	hb0276	44	3
49-17-85	Amended	569	sb2913	37	3
49-17-509	Amended	338	sb2688	1	1
51-35-307	Amended	436	sb2674	1	2
51-35-315	Amended	436	sb2674	2	2
51-35-317	Amended	436	sb2674	3	2
51-35-319	Amended	436	sb2674	4	2
51-35-325	Amended	436	sb2674	5	2
55-3-33	Amended	466	hb0524	1	2
57-1-18	Amended	569	sb2913	31	3
57-1-221	Amended	569	sb2913	41	3
57-26-1	Amended	304	sb2806	1	1
57-26-1	Amended	558	sb2463	2	3
57-26-3	Amended	558	sb2463	1	3
57-39-1	Amended	538	hb1296	2	3
57-39-9	Amended	538	hb1296	3	3
57-39-11	Amended	538	hb1296	4	3
57-39-15	Repealed	538	hb1296	9	3
57-39-17	Repealed	538	hb1296	10	3
57-39-19	Amended	538	hb1296	5	3
57-39-21	Amended	536	hb1281	1	3
57-39-23	Repealed	538	hb1296	11	3
57-39-25	Repealed	538	hb1296	12	3
57-39-27	Repealed	538	hb1296	13	3
57-39-29	Repealed	538	hb1296	14	3
57-39-31	Repealed	538	hb1296	15	3
57-39-33	Repealed	538	hb1296	16	3
57-39-35	Repealed	538	hb1296	17	3
57-39-39	Amended	538	hb1296	6	3
57-39-41	Repealed	538	hb1296	18	3

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57-39-105	Repealed	538	hb1296	19	3
57-39-107	Repealed	538	hb1296	20	3
57-39-111	Repealed	538	hb1296	21	3
57-39-112	Amended	538	hb1296	7	3
57-39-113	Repealed	538	hb1296	22	3
57-39-115	Repealed	538	hb1296	23	3
57-39-201	Repealed	538	hb1296	24	3
57-39-203	Repealed	538	hb1296	25	3
57-39-205	Repealed	538	hb1296	26	3
57-40-1	Amended	534	sb2564	1	3
57-40-3	Amended	534	sb2564	2	3
57-40-5	Amended	534	sb2564	3	3
57-40-7	Amended	534	sb2564	4	3
57-61-25	Amended	569	sb2913	32	3
57-61-36	Amended	569	sb2913	33	3
57-73-21	Amended	447	hb0117	4	2
57-73-21	Amended	571	hb0591	2	3
57-75-5	Amended	1	hb0001	1	3
57-75-9	Amended	1	hb0001	2	3
57-75-11	Amended	1	hb0001	3	3
57-75-15	Amended	1	hb0001	4	3
57-75-15	Amended	567	hb1049	1	3
57-75-15	Amended	569	sb2913	34	3
57-75-33	Amended	1	hb0001	5	3
57-75-37	Amended	1	hb0001	6	3
57-87-7	Amended	462	sb2829	2	2
57-89-3	Amended	490	sb2462	1	2
57-89-7	Amended	490	sb2462	2	2
57-91-5	Amended	486	sb2147	1	2
57-91-7	Amended	486	sb2147	2	2
57-91-9	Amended	486	sb2147	3	2
57-99-1	Amended	1	hb0001	7	3
57-101-1	Repealed	447	hb0117	5	2
57-101-3	Repealed	447	hb0117	5	2
57-101-5	Repealed	447	hb0117	5	2
57-105-1	Amended	506	hb0934	1	3
57-117-3	Amended	505	hb0722	1	3
57-117-5	Amended	505	hb0722	2	3
57-117-7	Amended	505	hb0722	3	3
59-1-42	Added	328	sb2781	2	1
59-5-37	Amended	347	hb0129	1	1
59-5-41	Amended	567	hb1049	5	3
59-5-51	Amended	567	hb1049	6	3
59-11-3	Amended	502	hb0750	1	3

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61-9-3	Amended	341	hb0279	1	1
61-13-13	Amended	547	sb2681	1	3
61-19-1	Amended	329	sb2769	1	1
63-1-21	Amended	489	hb0481	3	2
63-1-43	Amended	489	hb0481	4	2
63-1-45	Amended	517	hb1015	2	3
63-1-46	Amended	517	hb1015	1	3
63-1-47	Amended	489	hb0481	5	2
63-1-216	Amended	454	hb0090	1	2
63-5-33	Amended	485	sb2451	2	2
63-9-21	Amended	472	hb1212	1	2
63-11-21	Amended	489	hb0481	6	2
63-11-23	Amended	489	hb0481	7	2
63-11-30	Amended	489	hb0481	1	2
63-11-31	Amended	489	hb0481	2	2
63-15-4	Amended	475	sb2593	1	2
63-15-11	Repealed	389	hb1277	1	1
63-15-13	Repealed	389	hb1277	2	1
63-15-15	Repealed	389	hb1277	3	1
63-15-17	Repealed	389	hb1277	4	1
63-15-19	Repealed	389	hb1277	5	1
63-15-21	Repealed	389	hb1277	6	1
63-21-39	Amended	570	hb1344	1	3
63-31-1	Amended	330	sb2457	1	1
63-31-3	Amended	330	sb2457	2	1
65-1-8	Amended	468	hb0436	1	2
65-1-85	Amended	431	hb0261	1	2
65-3-38.1	Amended	342	hb0225	3	1
65-3-71.88	Amended	544	hb1538	2	3
65-4-5	Amended	455	hb0922	1	2
65-3-71.102	Amended	314	sb2496	1	1
67-3-7	Amended	345	sb2183	2	1
67-3-11	Amended	345	sb2183	1	1
67-3-13	Amended	345	sb2183	3	1
67-3-15	Amended	345	sb2183	4	1
69-2-13	Amended	386	sb2436	1	1
69-3-6	Amended	407	hb0751	1	1
69-3-25	Amended	407	hb0751	2	1
69-3-29	Amended	407	hb0751	3	1
69-5-107	Amended	349	hb0064	1	1
69-7-607	Amended	371	sb2513	1	1
69-25-51	Amended	407	hb0751	4	1
71-5-5	Amended	309	hb0932	1	1
71-5-7	Amended	309	hb0932	2	1

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71-5-11	Amended	309	hb0932	3	1
71-5-13	Amended	309	hb0932	14	1
71-5-19	Amended	309	hb0932	4	1
71-5-351	Amended	309	hb0932	5	1
71-5-353	Amended	309	hb0932	6	1
71-5-355	Amended	309	hb0932	7	1
71-5-357	Amended	309	hb0932	15	1
71-5-361	Amended	309	hb0932	16	1
71-5-367	Amended	309	hb0932	8	1
71-5-389	Amended	309	hb0932	9	1
71-5-453	Amended	309	hb0932	10	1
71-5-455	Amended	309	hb0932	11	1
71-5-501	Amended	309	hb0932	17	1
71-5-505	Amended	309	hb0932	12	1
71-5-511	Amended	309	hb0932	13	1
73-1-21	Amended	350	sb2419	4	1
73-1-23	Amended	350	sb2419	5	1
73-2-11	Amended	350	sb2419	6	1
73-3-57	Amended	556	sb2223	2	3
73-4-1	Reenacted	415	hb1165	1	2
73-4-3	Reenacted	415	hb1165	2	2
73-4-5	Reenacted	415	hb1165	3	2
73-4-7	Reenacted	415	hb1165	4	2
73-4-9	Reenacted	415	hb1165	5	2
73-4-11	Reenacted	415	hb1165	6	2
73-4-13	Reenacted	415	hb1165	7	2
73-4-15	Reenacted	415	hb1165	8	2
73-4-17	Reenacted	415	hb1165	9	2
73-4-19	Reenacted	415	hb1165	10	2
73-4-21	Reenacted	415	hb1165	11	2
73-4-23	Amended	350	sb2419	7	1
73-4-23	Reenacted	415	hb1165	12	2
73-4-25	Reenacted	415	hb1165	13	2
73-4-27	Reenacted	415	hb1165	14	2
73-4-29	Reenacted	415	hb1165	15	2
73-4-31	Reenacted	415	hb1165	16	2
73-4-33	Reenacted	415	hb1165	17	2
73-4-35	Reenacted	415	hb1165	18	2
73-4-37	Reenacted	415	hb1165	19	2
73-4-39	Reenacted	415	hb1165	20	2
73-4-41	Reenacted	415	hb1165	21	2
73-4-43	Reenacted	415	hb1165	22	2
73-4-45	Reenacted	415	hb1165	23	2
73-4-47	Reenacted	415	hb1165	24	2

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73-4-49	Reenacted	415	hb1165	25	2
73-4-51	Reenacted	415	hb1165	26	2
73-4-53	Amended	415	hb1165	27	2
73-5-21	Amended	350	sb2419	8	1
73-6-13	Amended	350	sb2419	9	1
73-7-1	Reenacted	523	hb1164	1	3
73-7-2	Amended	523	hb1164	2	3
73-7-3	Reenacted	523	hb1164	3	3
73-7-5	Reenacted	523	hb1164	4	3
73-7-7	Amended	523	hb1164	5	3
73-7-9	Amended	523	hb1164	6	3
73-7-11	Reenacted	523	hb1164	7	3
73-7-11	Amended	542	hb1208	1	3
73-7-12	Amended	523	hb1164	8	3
73-7-13	Amended	523	hb1164	9	3
73-7-14	Amended	523	hb1164	10	3
73-7-15	Amended	523	hb1164	11	3
73-7-16	Amended	523	hb1164	12	3
73-7-17	Amended	523	hb1164	13	3
73-7-18	Reenacted	523	hb1164	14	3
73-7-19	Amended	523	hb1164	15	3
73-7-21	Amended	523	hb1164	16	3
73-7-23	Amended	350	sb2419	10	1
73-7-23	Amended	523	hb1164	17	3
73-7-25	Reenacted	523	hb1164	18	3
73-7-27	Amended	523	hb1164	19	3
73-7-29	Reenacted	523	hb1164	20	3
73-7-31	Reenacted	523	hb1164	21	3
73-7-33	Amended	523	hb1164	22	3
73-7-35	Amended	523	hb1164	23	3
73-7-37	Amended	523	hb1164	24	3
73-7-51	Repealed	523	hb1164	25	3
73-7-53	Repealed	523	hb1164	25	3
73-7-55	Repealed	523	hb1164	25	3
73-7-57	Repealed	523	hb1164	25	3
73-7-59	Repealed	523	hb1164	25	3
73-7-61	Repealed	523	hb1164	25	3
73-7-63	Amended	523	hb1164	27	3
73-7-71	Amended	523	hb1164	26	3
73-9-24	Amended	350	sb2419	11	1
73-10-15	Amended	350	sb2419	12	1
73-11-51	Amended	350	sb2419	13	1
73-13-35	Amended	350	sb2419	14	1
73-14-25	Amended	350	sb2419	15	1

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MS Code Section	Action	Chapter No.	HB No. / SB No.	Sec. No.	Pamphlet No.
73-15-19	Amended	350	sb2419	16	1
73-15-21	Amended	350	sb2419	17	1
73-15-101	Amended	350	sb2419	18	1
73-17-11	Amended	350	sb2419	19	1
73-19-25	Amended	350	sb2419	20	1
73-21-83	Amended	541	hb0777	1	3
73-21-87	Amended	350	sb2419	21	1
73-21-91	Amended	541	hb0777	2	3
73-21-153	Amended	541	hb0777	3	3
73-21-157	Amended	541	hb0777	4	3
73-21-159	Amended	541	hb0777	5	3
73-23-51	Amended	350	sb2419	22	1
73-23-53	Amended	350	sb2419	23	1
73-24-21	Amended	350	sb2419	24	1
73-25-21	Amended	350	sb2419	25	1
73-25-23	Amended	492	sb2082	1	3
73-26-3	Amended	433	hb0134	1	2
73-27-5	Amended	350	sb2419	26	1
73-29-19	Amended	350	sb2419	27	1
73-30-15	Amended	350	sb2419	28	1
73-31-14	Amended	350	sb2419	29	1
73-31-15	Amended	350	sb2419	30	1
73-33-9	Amended	350	sb2419	31	1
73-34-51	Amended	350	sb2419	32	1
73-35-7	Amended	350	sb2419	33	1
73-35-13	Amended	350	sb2419	34	1
73-36-31	Amended	350	sb2419	35	1
73-38-23	Amended	350	sb2419	36	1
73-39-71	Amended	350	sb2419	37	1
73-53-13	Amended	350	sb2419	38	1
73-54-23	Amended	350	sb2419	39	1
73-60-1	Amended	442	sb2698	1	2
73-60-3	Amended	442	sb2698	2	2
73-60-5	Repealed	442	sb2698	7	2
73-60-7	Amended	442	sb2698	3	2
73-60-23	Amended	442	sb2698	4	2
73-60-25	Amended	350	sb2419	40	1
73-60-29	Amended	442	sb2698	5	2
73-60-45	Amended	442	sb2698	6	2
73-63-39	Amended	350	sb2419	41	1
73-65-7	Amended	350	sb2419	42	1
73-67-1	Reenacted	477	sb2737	1	2
73-67-3	Reenacted	477	sb2737	2	2
73-67-5	Reenacted	477	sb2737	3	2

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73-67-7	Amended	477	sb2737	4	2
73-67-9	Reenacted	477	sb2737	5	2
73-67-11	Reenacted	477	sb2737	6	2
73-67-13	Reenacted	477	sb2737	7	2
73-67-15	Reenacted	477	sb2737	8	2
73-67-17	Reenacted	477	sb2737	9	2
73-67-19	Reenacted	477	sb2737	10	2
73-67-21	Amended	477	sb2737	11	2
73-67-23	Amended	477	sb2737	12	2
73-67-25	Amended	350	sb2419	43	1
73-67-25	Amended	477	sb2737	13	2
73-67-27	Reenacted	477	sb2737	14	2
73-67-29	Amended	477	sb2737	15	2
73-67-31	Reenacted	477	sb2737	16	2
73-67-33	Reenacted	477	sb2737	17	2
73-67-35	Amended	477	sb2737	18	2
73-67-37	Reenacted	477	sb2737	19	2
73-67-39	Amended	477	sb2737	20	2
73-69-11	Amended	350	sb2419	44	1
73-71-1	Reenacted	465	hb1162	1	2
73-71-3	Reenacted	465	hb1162	2	2
73-71-5	Reenacted	465	hb1162	3	2
73-71-7	Reenacted	465	hb1162	4	2
73-71-9	Reenacted	465	hb1162	5	2
73-71-11	Reenacted	465	hb1162	6	2
73-71-13	Reenacted	465	hb1162	7	2
73-71-15	Reenacted	465	hb1162	8	2
73-71-17	Reenacted	465	hb1162	9	2
73-71-19	Amended	465	hb1162	10	2
73-71-21	Amended	350	sb2419	45	1
73-71-21	Reenacted	465	hb1162	11	2
73-71-23	Reenacted	465	hb1162	12	2
73-71-25	Reenacted	465	hb1162	13	2
73-71-27	Reenacted	465	hb1162	14	2
73-71-29	Reenacted	465	hb1162	15	2
73-71-31	Reenacted	465	hb1162	16	2
73-71-33	Reenacted	465	hb1162	17	2
73-71-35	Reenacted	465	hb1162	18	2
73-71-37	Reenacted	465	hb1162	19	2
73-71-39	Reenacted	465	hb1162	20	2
73-71-41	Reenacted	465	hb1162	21	2
73-71-43	Reenacted	465	hb1162	22	2
73-71-45	Reenacted	465	hb1162	23	2
73-71-47	Reenacted	465	hb1162	24	2

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73-71-49	Reenacted	465	hb1162	25	2
73-71-51	Reenacted	465	hb1162	26	2
73-71-53	Amended	465	hb1162	27	2
73-73-11	Amended	350	sb2419	46	1
73-73-17	Amended	350	sb2419	47	1
75-2-719	Amended	451	sb2609	2	2
75-2A-103	Amended	451	sb2609	29	2
75-4A-108	Amended	451	sb2609	3	2
75-9-102	Amended	451	sb2609	1	2
75-9-105	Amended	451	sb2609	4	2
75-9-307	Amended	451	sb2609	5	2
75-9-311	Amended	451	sb2609	6	2
75-9-316	Amended	451	sb2609	7	2
75-9-317	Amended	451	sb2609	8	2
75-9-326	Amended	451	sb2609	9	2
75-9-406	Amended	451	sb2609	10	2
75-9-408	Amended	451	sb2609	11	2
75-9-501.1	Added	382	hb1008	1	1
75-9-502	Amended	451	sb2609	12	2
75-9-503	Amended	451	sb2609	13	2
75-9-507	Amended	451	sb2609	14	2
75-9-510	Amended	382	hb1008	2	1
75-9-515	Amended	451	sb2609	15	2
75-9-516	Amended	382	hb1008	3	1
75-9-516	Amended	451	sb2609	16	2
75-9-518	Amended	451	sb2609	17	2
75-9-521	Amended	451	sb2609	18	2
75-9-607	Amended	451	sb2609	19	2
75-9-801	Added	451	sb2609	20	2
75-9-802	Added	451	sb2609	21	2
75-9-803	Added	451	sb2609	22	2
75-9-804	Added	451	sb2609	23	2
75-9-805	Added	451	sb2609	24	2
75-9-806	Added	451	sb2609	25	2
75-9-807	Added	451	sb2609	26	2
75-9-808	Added	451	sb2609	27	2
75-9-809	Added	451	sb2609	28	2
75-27-59	Amended	446	hb0772	1	2
75-29-201	Amended	323	sb2511	1	1
75-29-203	Amended	323	sb2511	2	1
75-29-205	Amended	323	sb2511	3	1
75-29-207	Repealed	323	sb2511	6	1
75-29-211	Amended	323	sb2511	4	1
75-55-5	Amended	372	hb1161	1	1

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75-55-37	Amended	372	hb1161	2	1
75-60-3	Amended	333	sb2786	1	1
75-60-4	Amended	333	sb2786	2	1
75-60-5	Amended	333	sb2786	3	1
75-60-11	Amended	333	sb2786	4	1
75-60-19	Amended	333	sb2786	5	1
75-60-23	Amended	333	sb2786	6	1
75-60-25	Amended	333	sb2786	7	1
75-60-45	Added	333	sb2786	8	1
75-67-501	Reenacted	408	hb0559	1	1
75-67-503	Reenacted	408	hb0559	2	1
75-67-505	Reenacted	408	hb0559	3	1
75-67-507	Reenacted	408	hb0559	4	1
75-67-509	Reenacted	408	hb0559	5	1
75-67-511	Reenacted	408	hb0559	6	1
75-67-513	Reenacted	408	hb0559	7	1
75-67-515	Reenacted	408	hb0559	8	1
75-67-516	Reenacted	408	hb0559	9	1
75-67-517	Reenacted	408	hb0559	10	1
75-67-519	Reenacted	408	hb0559	11	1
75-67-521	Reenacted	408	hb0559	12	1
75-67-523	Reenacted	408	hb0559	13	1
75-67-525	Reenacted	408	hb0559	14	1
75-67-527	Reenacted	408	hb0559	15	1
75-67-529	Reenacted	408	hb0559	16	1
75-67-531	Reenacted	408	hb0559	17	1
75-67-533	Reenacted	408	hb0559	18	1
75-67-535	Reenacted	408	hb0559	19	1
75-67-537	Reenacted	408	hb0559	20	1
75-67-539	Repealed	408	hb0559	21	1
75-76-5	Amended	410	hb0974	5	1
75-76-34	Amended	327	sb2499	1	1
75-76-55	Amended	327	sb2499	2	1
75-77-1	Amended	457	hb0387	1	2
75-77-9	Amended	457	hb0387	2	2
77-1-1	Reenacted	332	sb2567	1	1
77-1-3	Reenacted	332	sb2567	2	1
77-1-5	Reenacted	332	sb2567	3	1
77-1-6	Reenacted	332	sb2567	4	1
77-1-11	Reenacted	332	sb2567	5	1
77-1-15	Reenacted	332	sb2567	6	1
77-1-17	Reenacted	332	sb2567	7	1
77-1-19	Reenacted	332	sb2567	8	1
77-1-21	Reenacted	332	sb2567	9	1

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No. / SB No.	Sec. No.	Pamphlet No.
77-1-25	Reenacted	332	sb2567	10	1
77-1-27	Reenacted	332	sb2567	11	1
77-1-29	Reenacted	332	sb2567	12	1
77-1-31	Reenacted	332	sb2567	13	1
77-1-33	Reenacted	332	sb2567	14	1
77-1-35	Reenacted	332	sb2567	15	1
77-1-37	Reenacted	332	sb2567	16	1
77-1-39	Reenacted	332	sb2567	17	1
77-1-41	Reenacted	332	sb2567	18	1
77-1-43	Reenacted	332	sb2567	19	1
77-1-47	Reenacted	332	sb2567	20	1
77-1-49	Reenacted	332	sb2567	21	1
77-1-51	Amended	332	sb2567	22	1
77-1-55	Amended	332	sb2567	23	1
77-3-5	Amended	321	sb2231	2	1
77-3-5	Amended	526	sb2322	1	3
77-3-15	Amended	321	sb2231	1	1
77-3-106	Added	306	hb0894	1	1
77-3-111	Added	305	hb1134	3	1
77-3-113	Added	305	hb1134	4	1
77-3-115	Added	305	hb1134	5	1
77-3-117	Added	305	hb1134	6	1
77-3-119	Added	305	hb1134	7	1
77-3-121	Added	305	hb1134	8	1
77-3-123	Added	305	hb1134	9	1
77-3-125	Added	305	hb1134	10	1
77-3-127	Added	305	hb1134	11	1
77-3-701	Reenacted	322	sb2787	1	1
77-3-703	Reenacted	322	sb2787	2	1
77-3-705	Reenacted	322	sb2787	3	1
77-3-707	Reenacted	322	sb2787	4	1
77-3-709	Reenacted	322	sb2787	5	1
77-3-711	Reenacted	322	sb2787	6	1
77-3-713	Reenacted	322	sb2787	7	1
77-3-715	Reenacted	322	sb2787	8	1
77-3-717	Reenacted	322	sb2787	9	1
77-3-719	Reenacted	322	sb2787	10	1
77-3-721	Reenacted	322	sb2787	11	1
77-3-723	Reenacted	322	sb2787	12	1
77-3-725	Reenacted	322	sb2787	13	1
77-3-727	Reenacted	322	sb2787	14	1
77-3-729	Reenacted	322	sb2787	15	1
77-3-731	Reenacted	322	sb2787	16	1
77-3-733	Reenacted	322	sb2787	17	1

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No. / SB No.	Sec. No.	Pamphlet No.
77-3-735	Reenacted	322	sb2787	18	1
77-3-737	Amended	322	sb2787	19	1
77-5-231	Amended	466	hb0524	2	2
79-7-1	Amended	419	sb2684	4	1
79-11-57	Amended	419	sb2684	5	1
79-17-41	Repealed	419	sb2684	6	1
81-5-77	Amended	303	sb2194	1	1
81-18-3	Amended	499	sb2696	1	3
81-18-5	Reenacted	421	hb1233	1	1
81-18-9	Amended	499	sb2696	2	3
81-18-13	Amended	499	sb2696	3	3
81-18-15	Amended	499	sb2696	4	3
81-18-17	Amended	499	sb2696	5	3
81-18-21	Amended	499	sb2696	6	3
81-18-23	Amended	499	sb2696	7	3
81-18-35	Amended	499	sb2696	8	3
81-22-1	Reenacted	348	sb2557	1	1
81-22-3	Reenacted	348	sb2557	2	1
81-22-5	Reenacted	348	sb2557	3	1
81-22-7	Reenacted	348	sb2557	4	1
81-22-9	Reenacted	348	sb2557	5	1
81-22-11	Reenacted	348	sb2557	6	1
81-22-13	Reenacted	348	sb2557	7	1
81-22-15	Reenacted	348	sb2557	8	1
81-22-17	Reenacted	348	sb2557	9	1
81-22-19	Reenacted	348	sb2557	10	1
81-22-21	Reenacted	348	sb2557	11	1
81-22-23	Reenacted	348	sb2557	12	1
81-22-25	Reenacted	348	sb2557	13	1
81-22-27	Reenacted	348	sb2557	14	1
81-22-28	Reenacted	348	sb2557	15	1
81-22-31	Amended	348	sb2557	16	1
83-1-35	Amended	324	sb2675	1	1
83-5-205	Amended	416	hb0534	1	1
83-5-209	Amended	416	hb0534	2	1
83-5-401	Amended	416	hb0534	3	1
83-5-403	Amended	416	hb0534	4	1
83-5-405	Amended	416	hb0534	5	1
83-5-417	Amended	416	hb0534	6	1
83-5-427	Amended	416	hb0534	7	1
83-6-1	Amended	416	hb0534	8	1
83-6-5	Amended	416	hb0534	9	1
83-6-17	Amended	416	hb0534	10	1
83-6-21	Amended	416	hb0534	11	1

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No. / SB No.	Sec. No.	Pamphlet No.
83-6-24	Amended	416	hb0534	12	1
83-6-26	Added	416	hb0534	13	1
83-6-27	Amended	416	hb0534	14	1
83-6-29	Amended	416	hb0534	15	1
83-9-3	Amended	302	hb0374	1	1
83-9-5	Amended	302	hb0374	2	1
83-11-102	Amended	507	hb0545	1	3
83-21-3	Amended	459	hb0748	19	2
83-33-1	Amended	459	hb0748	1	2
83-33-3	Amended	459	hb0748	2	2
83-33-5	Amended	459	hb0748	3	2
83-33-7	Amended	459	hb0748	4	2
83-33-11	Amended	459	hb0748	5	2
83-33-13	Amended	459	hb0748	6	2
83-33-15	Amended	459	hb0748	7	2
83-33-17	Amended	459	hb0748	8	2
83-33-19	Amended	459	hb0748	9	2
83-33-21	Added	459	hb0748	10	2
83-33-23	Added	459	hb0748	11	2
83-33-25	Added	459	hb0748	12	2
83-33-27	Added	459	hb0748	13	2
83-33-29	Added	459	hb0748	14	2
83-33-31	Added	459	hb0748	15	2
83-33-33	Added	459	hb0748	16	2
83-33-35	Added	459	hb0748	17	2
83-33-37	Added	459	hb0748	18	2
83-39-3	Amended	423	hb0749	1	2
83-64-1	Amended	316	sb2232	1	1
89-5-8	Amended	461	hb0928	1	2
93-9-15	Amended	380	hb0720	1	1
93-9-15	Amended	527	sb2010	1	3
93-11-103	Amended	354	sb2210	1	1
93-11-105	Amended	354	sb2210	2	1
93-13-37	Amended	339	sb2375	1	1
93-13-38	Amended	554	hb0725	1	3
93-13-55	Amended	339	sb2375	2	1
93-13-57	Amended	339	sb2375	3	1
93-13-67	Amended	339	sb2375	4	1
93-13-67	Amended	554	hb0725	2	3
93-13-77	Amended	339	sb2375	5	1
93-13-77	Amended	554	hb0725	3	3
95-9-1	Amended	385	sb2751	3	1
97-1-7	Amended	510	hb0028	1	3
97-3-7	Amended	565	hb0709	1	3

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No. / SB No.	Sec. No.	Pamphlet No.
97-3-19	Amended	555	sb2377	1	3
97-3-21	Amended	555	sb2377	2	3
97-3-25	Amended	379	sb2255	1	1
97-3-54	Amended	543	hb0673	1	3
97-3-54.1	Amended	543	hb0673	2	3
97-3-54.3	Amended	543	hb0673	3	3
97-3-54.4	Amended	543	hb0673	4	3
97-3-54.5	Added	543	hb0673	5	3
97-3-54.6	Added	543	hb0673	6	3
97-3-54.7	Added	543	hb0673	7	3
97-3-54.8	Added	543	hb0673	8	3
97-3-54.9	Added	543	hb0673	9	3
97-5-5	Amended	543	hb0673	14	3
97-5-7	Amended	543	hb0673	15	3
97-5-27	Amended	543	hb0673	16	3
97-5-31	Amended	543	hb0673	17	3
97-5-33	Amended	412	sb2197	1	1
97-5-39	Amended	483	hb1259	1	2
97-5-51	Amended	511	hb0151	1	3
97-9-11	Amended	556	sb2223	3	3
97-17-53	Amended	458	hb0178	1	2
97-25-3	Amended	435	hb1519	1	2
97-29-49	Amended	543	hb0673	10	3
97-29-51	Amended	543	hb0673	11	3
97-29-53	Repealed	543	hb0673	12	3
97-33-1	Amended	410	hb0974	2	1
97-33-7	Amended	410	hb0974	3	1
97-33-9	Amended	410	hb0974	4	1
97-37-1	Amended	308	hb0002	1	1
97-37-5	Amended	384	sb2647	3	1
97-37-15	Amended	308	hb0002	2	1
97-37-19	Amended	308	hb0002	3	1
97-43-3	Amended	543	hb0673	13	3
97-45-3	Amended	367	hb0686	1	1
99-1-5	Amended	543	hb0673	18	3
99-1-5	Amended	565	hb0709	2	3
99-3-7	Amended	360	hb0437	2	1
99-5-25	Amended	424	hb0714	1	2
99-19-71	Amended	557	hb1043	1	3
99-19-101	Amended	556	sb2223	1	3
99-41-17	Amended	376	hb0710	1	1

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

HOUSE BILLS

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1	1
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20	301
28	510
64	349
69	434
74	562
80	358
85	368
90	454
91	340
102	463
117	447
125	482
129	347
132	516
134	433
135	460
141	445
142	361
151	511
178	458
181	375
225	342
240	484
261	431
275	391
276	560
279	341
301	508
317	438
369	497
373	402
374	302
387	457
394	364
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CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

HOUSE BILLS

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525	336
533	406
534	416
545	507
552	509
559	408
578	422
591	571
613	355
649	432
672	429
673	543
686	367
702	335
709	565
710	376
714	424
716	572
718	464
719	513
720	380
722	505
725	554
738	337
748	459
749	423
750	502
751	407
757	374
770	357
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777	541
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817	405

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

HOUSE BILLS

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826	540
841	310
844	537
879	473
892	470
894	306
896	564
901	518
919	520
921	403
922	455
928	461
932	309
934	506
943	383
964	394
974	410
975	331
987	392
990	428
1001	501
1002	471
1003	504
1005	514
1008	382
1009	515
1015	517
1043	557
1049	567
1072	398
1080	404
1132	430
1134	305
1139	439
1161	372
1162	465
1164	523
1165	415
1169	444
1174	414
1208	542
1212	472
1216	503
1231	524

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

HOUSE BILLS

<u>Bill No.</u>	<u>Chap. No.</u>
1233	421
1243	453
1256	545
1258	427
1259	483
1260	440
1265	399
1266	539
1277	389
1281	536
1285	420
1293	519
1296	538
1300	352
1326	441
1335	522
1344	570
1441	426
1485	425
1515	396
1516	552
1519	435
1530	559
1538	544
1550	377
1680	469
1685	535
1698	533

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

SENATE BILLS

<u>Bill No.</u>	<u>Chap. No.</u>
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2040	317
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2046	550
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2073	390
2074	387
2076	359
2082	492
2111	365
2133	525
2138	566
2147	486
2171	500
2183	345
2188	496
2193	378
2194	303
2197	412
2202	311
2209	478
2210	354
2223	556
2231	321
2232	316
2233	326
2238	413
2239	366
2244	498
2255	379
2302	491
2308	474
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CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

SENATE BILLS

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2419	350
2436	386
2446	320
2447	344
2448	373
2451	485
2457	330
2462	490
2463	558
2491	313
2496	314
2499	327
2511	323
2513	371
2528	479
2536	325
2547	480
2553	481
2557	348
2564	534
2567	332
2572	393
2580	450
2593	475
2609	451
2613	312
2625	528
2631	395
2633	334
2637	568
2647	384
2658	494
2659	546
2670	549
2674	436
2675	324
2681	547
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CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

SENATE BILLS

<u>Bill No.</u>	<u>Chap. No.</u>
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2698	442
2700	487
2728	353
2730	532
2732	521
2737	477
2751	385
2754	351
2769	329
2779	363
2780	512
2781	328
2786	333
2787	322
2795	551
2806	304
2811	400
2816	409
2829	462
2833	449
2847	411
2913	569

Mississippi Legislature
2013 First Extraordinary Session

House Bill 1

Description: Economic development; authorize incentives for certain automotive parts manufacturing projects.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: None

Revenue: No

Vote type required: Three/Fifths

Effective date: Passage

Chapter Number: 1

History of Actions:

1	04/26	(H)	Referred To Ways and Means
2	04/26	(H)	Title Suff Do Pass
3	04/26	(H)	Amendment Failed
4	04/26	(H)	Passed {Vote}
5	04/26	(H)	Immediate Release
6	04/26	(H)	Transmitted To Senate
7	04/26	(S)	Referred To Finance
8	04/26	(S)	Title Suff Do Pass
9	04/26	(S)	Passed {Vote}
10	04/26	(S)	Transmitted To House
11	04/26	(H)	Enrolled Bill Signed
12	04/26	(S)	Enrolled Bill Signed
13	04/28		Approved by Governor

Amendments:

[H] Amendment No 1Lost Voice Vote

Code Section: A 057-0075-0005, A 057-0075-0009, A 057-0075-0011, A 057-0075-0015, A 057-0075-0033, A 057-0075-0037, A 057-0099-0001, A 027-0007-0030, A 027-0031-0104, A 027-0065-0101, A 031-0019-0025, A 043-0037-0003, A 021-0001-0059, A 027-0031-0001

----- Additional Information -----

House Committee: Ways and Means

Senate Committee: Finance

Principal Author: Smith (39th)

2013 GENERAL LAWS OF MISSISSIPPI HB 1

Additional Authors: Baker, Read, Chism

Title: AN ACT TO CREATE THE GIBBS-TURNER ECONOMIC DEVELOPMENT ACT IN HONOR OF REPRESENTATIVE DAVID GIBBS AND SENATOR BENNIE TURNER; TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT TO INCLUDE CERTAIN AUTOMOTIVE PARTS MANUFACTURING PLANTS AND THEIR AFFILIATES; TO AMEND SECTION 57-75-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CONTRACTS BY THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY OR A PUBLIC AGENCY FOR CERTAIN CONTRACTS RELATED TO SUCH PROJECT SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 31-7-13 AND THAT SUCH CONTRACTS MAY BE AWARDED ON THE BASIS OF NEGOTIATION UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972, TO GRANT THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY CERTAIN ADDITIONAL POWERS AND DUTIES WITH REGARD TO SUCH PROJECTS; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR SUCH PROJECTS AND TO SPECIFY THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH BONDS MAY BE UTILIZED; TO AMEND SECTION 57-75-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF SUPERVISORS OF A COUNTY OR THE GOVERNING AUTHORITIES OF A MUNICIPALITY MAY EACH ENTER INTO AN AGREEMENT WITH AN ENTERPRISE OPERATING SUCH A PROJECT PROVIDING THAT THE COUNTY OR MUNICIPALITY WILL NOT LEVY ANY TAXES, FEES OR ASSESSMENTS UPON THE ENTERPRISE OTHER THAN TAXES, FEES OR ASSESSMENTS THAT ARE GENERALLY LEVIED UPON ALL TAXPAYERS AND TO AUTHORIZE THE BOARD OF SUPERVISORS OR GOVERNING AUTHORITIES TO ENTER INTO A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT WITH THE ENTERPRISE OPERATING SUCH A PROJECT; TO AMEND SECTION 57-75-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A COUNTY IN WHICH SUCH A PROJECT IS LOCATED TO ASSIST THE ENTERPRISE ESTABLISHING THE PROJECT AND CERTAIN PUBLIC AGENCIES IN DEFRAYING CERTAIN COSTS; TO AUTHORIZE SUCH A COUNTY TO PROVIDE FUNDS FOR SUCH PURPOSES BY APPROPRIATING MONEY FROM ITS GENERAL FUND OR FROM THE PROCEEDS OF GENERAL OBLIGATION BONDS ISSUED BY THE COUNTY; TO AUTHORIZE CERTAIN TRANSFERS AND CONVEYANCES OF REAL OR PERSONAL PROPERTY WITH OR WITHOUT CONSIDERATION; TO AUTHORIZE CERTAIN PUBLIC AGENCIES TO MAKE GRANTS TO EACH OTHER IN CONNECTION WITH SUCH A PROJECT; TO EXEMPT THE ACQUISITION OF REAL PROPERTY FOR SUCH A PROJECT FROM CERTAIN REQUIREMENTS; TO AMEND SECTION 57-99-1, MISSISSIPPI CODE OF 1972, TO INCLUDE SUCH A PROJECT WITHIN THE DEFINITION OF THE TERM "QUALIFIED BUSINESS OR INDUSTRY" FOR THE PURPOSES OF THE LAW THAT AUTHORIZES INCENTIVE PAYMENTS TO SUCH QUALIFIED BUSINESS THAT ARE FUNDED BY A CERTAIN

PORTION OF THE WITHHOLDING TAXES PAID BY THE QUALIFIED BUSINESS; TO AMEND SECTION 27-7-30, MISSISSIPPI CODE OF 1972, TO PROVIDE AN INCOME TAX EXEMPTION FOR INCOME ARISING FROM SUCH A PROJECT; TO PROVIDE THAT THE INCOME TAX EXEMPTION SHALL NOT EXCEED 20 YEARS UNLESS THE QUALIFIED BUSINESS OR INDUSTRY CREATES OR MAINTAINS FOR A PERIOD OF 3 YEARS NOT LESS THAN 1,000 JOBS, IN WHICH CASE THE EXEMPTION PERIOD SHALL BE EXTENDED BY 5 YEARS; TO PROVIDE THAT IN THE EVENT THAT THE ANNUAL AVERAGE OF FULL-TIME JOBS MAINTAINED FALLS BELOW A CERTAIN AMOUNT, THE TAX EXEMPTION SHALL BE SUSPENDED UNTIL THE FIRST TAX YEAR DURING WHICH THE ANNUAL AVERAGE NUMBER OF FULL-TIME JOBS MAINTAINED IS ABOVE THAT AMOUNT; TO AMEND SECTION 27-31-104, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ANNUAL AMOUNT OF A FEE-IN-LIEU NEGOTIATED FOR CERTAIN PROJECTS THAT IS APPORTIONED TO A COUNTY SHALL NOT BE LESS THAN THE AMOUNT NECESSARY TO PAY THE DEBT SERVICE ON BONDS ISSUED BY THE COUNTY FOR THE PROJECT; TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM SALES TAXATION SALES OR LEASES OF COMPONENT MATERIALS, MACHINERY AND EQUIPMENT USED IN THE CONSTRUCTION OF A BUILDING, OR ANY ADDITION OR IMPROVEMENT THEREON TO AN ENTERPRISE OPERATING SUCH A PROJECT; TO EXEMPT FROM SALES TAXATION SALES TO SUCH MANUFACTURERS OF MACHINERY AND EQUIPMENT, AND REPAIR SERVICES FOR SUCH MACHINERY AND EQUIPMENT, FUEL, SUPPLIES, ELECTRICITY, COAL, NITROGEN AND NATURAL GAS USED DIRECTLY IN THE MANUFACTURE OF AUTOMOTIVE PARTS OR USED TO PROVIDE CLIMATE CONTROL FOR MANUFACTURING AREAS; TO AMEND SECTION 31-19-25, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PROVISIONS REGARDING THE ISSUANCE OF BONDS SHALL NOT APPLY TO THE SALE OF BONDS BY A COUNTY IN CONNECTION WITH SUCH A PROJECT; TO AMEND SECTION 43-37-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 21-1-59, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE GOVERNING AUTHORITIES OF A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH AN ENTERPRISE OPERATING SUCH A PROJECT PROVIDING THAT THE MUNICIPALITY WILL NOT CHANGE ITS BOUNDARIES SO AS TO INCLUDE WITHIN THE LIMITS OF SUCH MUNICIPALITY THE PROJECT SITE OF SUCH A PROJECT UNLESS CONSENT THERETO SHALL BE OBTAINED IN WRITING FROM THE ENTERPRISE OPERATING THE PROJECT; TO AMEND SECTION 27-31-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MUNICIPALITY CHANGES ITS BOUNDARIES SO AS TO INCLUDE WITHIN THE BOUNDARIES OF SUCH MUNICIPALITY THE PROJECT SITE OF SUCH A PROJECT, ALL REAL AND PERSONAL PROPERTY LOCATED ON THE PROJECT SITE WITHIN THE BOUNDARIES OF SUCH MUNICIPALITY THAT IS OWNED BY A BUSINESS ENTERPRISE OPERATING SUCH PROJECT, SHALL BE EXEMPT FROM AD

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VALOREM TAXATION FOR A PERIOD OF TIME NOT TO EXCEED 30 YEARS UPON RECEIVING APPROVAL FOR SUCH EXEMPTION BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; AND FOR RELATED PURPOSES.

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MISSISSIPPI LEGISLATURE
Session

2013 1st Extraordinary

To: Ways and Means

By: Representatives Smith (39th), Baker, Read, Chism

House Bill 1

(As Passed the House)

AN ACT TO CREATE THE GIBBS-TURNER ECONOMIC DEVELOPMENT ACT IN HONOR OF REPRESENTATIVE DAVID GIBBS AND SENATOR BENNIE TURNER; TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT TO INCLUDE CERTAIN AUTOMOTIVE PARTS MANUFACTURING PLANTS AND THEIR AFFILIATES; TO AMEND SECTION 57-75-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CONTRACTS BY THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY OR A PUBLIC AGENCY FOR CERTAIN CONTRACTS RELATED TO SUCH PROJECT SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 31-7-13 AND THAT SUCH CONTRACTS MAY BE AWARDED ON THE BASIS OF NEGOTIATION UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972, TO GRANT THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY CERTAIN ADDITIONAL POWERS AND DUTIES WITH REGARD TO SUCH PROJECTS; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR SUCH PROJECTS AND TO SPECIFY THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH BONDS MAY BE UTILIZED; TO AMEND SECTION 57-75-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF SUPERVISORS OF A COUNTY OR THE GOVERNING AUTHORITIES OF A MUNICIPALITY MAY EACH ENTER INTO AN AGREEMENT WITH AN ENTERPRISE OPERATING SUCH A PROJECT PROVIDING THAT THE COUNTY OR MUNICIPALITY WILL NOT LEVY ANY TAXES, FEES OR ASSESSMENTS UPON THE ENTERPRISE OTHER THAN TAXES, FEES OR ASSESSMENTS THAT ARE GENERALLY LEVIED UPON ALL TAXPAYERS AND TO AUTHORIZE THE BOARD OF SUPERVISORS OR GOVERNING AUTHORITIES TO ENTER INTO A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT WITH THE ENTERPRISE OPERATING SUCH A PROJECT; TO AMEND SECTION 57-75-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A COUNTY IN WHICH SUCH A PROJECT IS LOCATED TO ASSIST THE ENTERPRISE ESTABLISHING THE PROJECT AND CERTAIN PUBLIC AGENCIES IN DEFRAYING CERTAIN COSTS; TO AUTHORIZE SUCH A COUNTY TO PROVIDE FUNDS FOR SUCH PURPOSES BY APPROPRIATING MONEY FROM ITS GENERAL FUND OR FROM THE PROCEEDS OF GENERAL

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OBLIGATION BONDS ISSUED BY THE COUNTY; TO AUTHORIZE CERTAIN TRANSFERS AND CONVEYANCES OF REAL OR PERSONAL PROPERTY WITH OR WITHOUT CONSIDERATION; TO AUTHORIZE CERTAIN PUBLIC AGENCIES TO MAKE GRANTS TO EACH OTHER IN CONNECTION WITH SUCH A PROJECT; TO EXEMPT THE ACQUISITION OF REAL PROPERTY FOR SUCH A PROJECT FROM CERTAIN REQUIREMENTS; TO AMEND SECTION 57-99-1, MISSISSIPPI CODE OF 1972, TO INCLUDE SUCH A PROJECT WITHIN THE DEFINITION OF THE TERM "QUALIFIED BUSINESS OR INDUSTRY" FOR THE PURPOSES OF THE LAW THAT AUTHORIZES INCENTIVE PAYMENTS TO SUCH QUALIFIED BUSINESS THAT ARE FUNDED BY A CERTAIN PORTION OF THE WITHHOLDING TAXES PAID BY THE QUALIFIED BUSINESS; TO AMEND SECTION 27-7-30, MISSISSIPPI CODE OF 1972, TO PROVIDE AN INCOME TAX EXEMPTION FOR INCOME ARISING FROM SUCH A PROJECT; TO PROVIDE THAT THE INCOME TAX EXEMPTION SHALL NOT EXCEED 20 YEARS UNLESS THE QUALIFIED BUSINESS OR INDUSTRY CREATES OR MAINTAINS FOR A PERIOD OF 3 YEARS NOT LESS THAN 1,000 JOBS, IN WHICH CASE THE EXEMPTION PERIOD SHALL BE EXTENDED BY 5 YEARS; TO PROVIDE THAT IN THE EVENT THAT THE ANNUAL AVERAGE OF FULL-TIME JOBS MAINTAINED FALLS BELOW A CERTAIN AMOUNT, THE TAX EXEMPTION SHALL BE SUSPENDED UNTIL THE FIRST TAX YEAR DURING WHICH THE ANNUAL AVERAGE NUMBER OF FULL-TIME JOBS MAINTAINED IS ABOVE THAT AMOUNT; TO AMEND SECTION 27-31-104, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ANNUAL AMOUNT OF A FEE-IN-LIEU NEGOTIATED FOR CERTAIN PROJECTS THAT IS APPORTIONED TO A COUNTY SHALL NOT BE LESS THAN THE AMOUNT NECESSARY TO PAY THE DEBT SERVICE ON BONDS ISSUED BY THE COUNTY FOR THE PROJECT; TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM SALES TAXATION SALES OR LEASES OF COMPONENT MATERIALS, MACHINERY AND EQUIPMENT USED IN THE CONSTRUCTION OF A BUILDING, OR ANY ADDITION OR IMPROVEMENT THEREON TO AN ENTERPRISE OPERATING SUCH A PROJECT; TO EXEMPT FROM SALES TAXATION SALES TO SUCH MANUFACTURERS OF MACHINERY AND EQUIPMENT, AND REPAIR SERVICES FOR SUCH MACHINERY AND EQUIPMENT, FUEL, SUPPLIES, ELECTRICITY, COAL, NITROGEN AND NATURAL GAS USED DIRECTLY IN THE MANUFACTURE OF AUTOMOTIVE PARTS OR USED TO PROVIDE CLIMATE CONTROL FOR MANUFACTURING AREAS; TO AMEND SECTION 31-19-25, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PROVISIONS REGARDING THE ISSUANCE OF BONDS SHALL NOT APPLY TO THE SALE OF BONDS BY A COUNTY IN CONNECTION WITH SUCH A PROJECT; TO AMEND SECTION 43-37-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 21-1-59, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE GOVERNING AUTHORITIES OF A MUNICIPALITY

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MAY ENTER INTO AN AGREEMENT WITH AN ENTERPRISE OPERATING SUCH A PROJECT PROVIDING THAT THE MUNICIPALITY WILL NOT CHANGE ITS BOUNDARIES SO AS TO INCLUDE WITHIN THE LIMITS OF SUCH MUNICIPALITY THE PROJECT SITE OF SUCH A PROJECT UNLESS CONSENT THERETO SHALL BE OBTAINED IN WRITING FROM THE ENTERPRISE OPERATING THE PROJECT; TO AMEND SECTION 27-31-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MUNICIPALITY CHANGES ITS BOUNDARIES SO AS TO INCLUDE WITHIN THE BOUNDARIES OF SUCH MUNICIPALITY THE PROJECT SITE OF SUCH A PROJECT, ALL REAL AND PERSONAL PROPERTY LOCATED ON THE PROJECT SITE WITHIN THE BOUNDARIES OF SUCH MUNICIPALITY THAT IS OWNED BY A BUSINESS ENTERPRISE OPERATING SUCH PROJECT, SHALL BE EXEMPT FROM AD VALOREM TAXATION FOR A PERIOD OF TIME NOT TO EXCEED 30 YEARS UPON RECEIVING APPROVAL FOR SUCH EXEMPTION BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-75-5, Mississippi Code of 1972, is amended as follows:

57-75-5. Words and phrases used in this chapter shall have meanings as follows, unless the context clearly indicates a different meaning:

(a) "Act" means the Mississippi Major Economic Impact Act as originally enacted or as hereafter amended.

(b) "Authority" means the Mississippi Major Economic Impact Authority created pursuant to the act.

(c) "Bonds" means general obligation bonds, interim notes and other evidences of debt of the State of Mississippi issued pursuant to this chapter.

(d) "Facility related to the project" means and includes any of the following, as the same may pertain to the project within the project area: (i) facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project; (ii) airports, airfields and air terminals; (iii) rail lines; (iv) port facilities; (v) highways, streets and other roadways; (vi) public school buildings, classrooms and instructional facilities, training facilities and equipment, including any functionally related facilities; (vii) parks, outdoor recreation facilities and athletic facilities; (viii) auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers

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and other public facilities; (ix) health care facilities, public or private; and (x) fire protection facilities, equipment and elevated water tanks.

(e) "Person" means any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, governmental unit, public agency, political subdivision, or any other group acting as a unit, and the plural as well as the singular.

(f) "Project" means:

(i) Any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise with an initial capital investment of not less than Three Hundred Million Dollars (\$300,000,000.00) from private or United States government sources together with all buildings, and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise; or with an initial capital investment of not less than One Hundred Fifty Million Dollars (\$150,000,000.00) from private or United States government sources together with all buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise and which creates at least one thousand (1,000) net new full-time jobs; or which creates at least one thousand (1,000) net new full-time jobs which provides an average salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the most recently published average annual wage of the state as determined by the Mississippi Department of Employment Security. "Project" shall include any addition to or expansion of an existing enterprise if such addition or expansion has an initial capital investment of not less than Three Hundred Million Dollars (\$300,000,000.00) from private or United States government sources, or has an initial capital investment of not less than One Hundred Fifty Million Dollars (\$150,000,000.00) from private or United States government sources together with all buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation

of the enterprise and which creates at least one thousand (1,000) net new full-time jobs; or which creates at least one thousand (1,000) net new full-time jobs which provides an average salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the most recently published average annual wage of the state as determined by the Mississippi Department of Employment Security. "Project" shall also include any ancillary development or business resulting from the enterprise, of which the authority is notified, within three (3) years from the date that the enterprise entered into commercial production, that the project area has been selected as the site for the ancillary development or business.

(ii) 1. Any major capital project designed to improve, expand or otherwise enhance any active duty or reserve United States armed services bases and facilities or any major Mississippi National Guard training installations, their support areas or their military operations, upon designation by the authority that any such base was or is at risk to be recommended for closure or realignment pursuant to the Defense Base Closure and Realignment Act of 1990, as amended, or other applicable federal law; or any major development project determined by the authority to be necessary to acquire or improve base properties and to provide employment opportunities through construction of projects as defined in Section 57-3-5, which shall be located on or provide direct support service or access to such military installation property in the event of closure or reduction of military operations at the installation.

2. Any major study or investigation related to such a facility, installation or base, upon a determination by the authority that the study or investigation is critical to the expansion, retention or reuse of the facility, installation or base.

3. Any project as defined in Section 57-3-5, any business or enterprise determined to be in the furtherance of the public purposes of this act as determined by the authority or any facility related to such project each of which shall be, directly or indirectly, related to any military base or other military-related facility no longer operated by the United States armed services or the Mississippi National Guard.

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(iii) Any enterprise to be maintained, improved or constructed in Tishomingo County by or for a National Aeronautics and Space Administration facility in such county.

(iv) 1. Any major capital project with an initial capital investment from private sources of not less than Seven Hundred Fifty Million Dollars (\$750,000,000.00) which will create at least three thousand (3,000) jobs meeting criteria established by the Mississippi Development Authority.

2. "Project" shall also include any ancillary development or business resulting from an enterprise operating a project as defined in item 1 of this paragraph (f)(iv), of which the authority is notified, within three (3) years from the date that the enterprise entered into commercial production, that the state has been selected as the site for the ancillary development or business.

(v) Any manufacturing, processing or industrial project determined by the authority, in its sole discretion, to contribute uniquely and significantly to the economic growth and development of the state, and which meets the following criteria:

1. The project shall create at least two thousand (2,000) net new full-time jobs meeting criteria established by the authority, which criteria shall include, but not be limited to, the requirement that such jobs must be held by persons eligible for employment in the United States under applicable state and federal law.

2. The project and any facility related to the project shall include a total investment from private sources of not less than Sixty Million Dollars (\$60,000,000.00), or from any combination of sources of not less than Eighty Million Dollars (\$80,000,000.00).

(vi) Any real property owned or controlled by the National Aeronautics and Space Administration, the United States government, or any agency thereof, which is legally conveyed to the State of Mississippi or to the State of Mississippi for the benefit of the Mississippi Major Economic Impact Authority, its successors and assigns pursuant to Section 212 of Public Law 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

(vii) Any major capital project related to the establishment, improvement, expansion and/or other enhancement

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of any active duty military installation and having a minimum capital investment from any source or combination of sources other than the State of Mississippi of at least Forty Million Dollars (\$40,000,000.00), and which will create at least four hundred (400) military installation related full-time jobs, which jobs may be military jobs, civilian jobs or a combination of military and civilian jobs. The authority shall require that binding commitments be entered into requiring that the minimum requirements for the project provided for in this subparagraph shall be met not later than July 1, 2008.

(viii) Any major capital project with an initial capital investment from any source or combination of sources of not less than Ten Million Dollars (\$10,000,000.00) which will create at least eighty (80) full-time jobs which provide an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred thirty-five percent (135%) of the most recently published average annual wage of the state or the most recently published average annual wage of the county in which the project is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(ix) Any regional retail shopping mall with an initial capital investment from private sources in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), with a square footage in excess of eight hundred thousand (800,000) square feet, which will create at least seven hundred (700) full-time jobs with an average hourly wage of Eleven Dollars (\$11.00) per hour. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

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(x) Any major capital project with an initial capital investment from any source or combination of sources of not less than Seventy-five Million Dollars (\$75,000,000.00) which will create at least one hundred twenty-five (125) full-time jobs which provide an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred thirty-five percent (135%) of the most recently published average annual wage of the state or the most recently published average annual wage of the county in which the project is located as determined by the Mississippi Department of Employment Security, whichever is the greater. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xi) Any potential major capital project that the authority has determined is feasible to recruit.

(xii) Any project built according to the specifications and federal provisions set forth by the National Aeronautics and Space Administration Center Operations Directorate at Stennis Space Center for the purpose of consolidating common services from National Aeronautics and Space Administration centers in human resources, procurement, financial management and information technology located on land owned or controlled by the National Aeronautics and Space Administration, which will create at least four hundred seventy (470) full-time jobs.

(xiii) Any major capital project with an initial capital investment from any source or combination of sources of not less than Ten Million Dollars (\$10,000,000.00) which will create at least two hundred fifty (250) full-time jobs. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

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(xiv) Any major pharmaceutical facility with a capital investment of not less than Fifty Million Dollars (\$50,000,000.00) made after July 1, 2002, through four (4) years after the initial date of any loan or grant made by the authority for such project, which will maintain at least seven hundred fifty (750) full-time employees. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xv) Any pharmaceutical manufacturing, packaging and distribution facility with an initial capital investment from any local or federal sources of not less than Five Hundred Thousand Dollars (\$500,000.00) which will create at least ninety (90) full-time jobs. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xvi) Any major industrial wood processing facility with an initial capital investment of not less than One Hundred Million Dollars (\$100,000,000.00) which will create at least one hundred twenty-five (125) full-time jobs which provide an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least Thirty Thousand Dollars (\$30,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xvii) Any technical, engineering, manufacturing-logistic service provider with an initial capital investment of not less than One Million Dollars (\$1,000,000.00) which

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will create at least ninety (90) full-time jobs. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xviii) Any major capital project with an initial capital investment from any source or combination of sources other than the State of Mississippi of not less than Six Hundred Million Dollars (\$600,000,000.00) which will create at least four hundred fifty (450) full-time jobs with an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least Seventy Thousand Dollars (\$70,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xix) Any major coal and/or petroleum coke gasification project with an initial capital investment from any source or combination of sources other than the State of Mississippi of not less than Eight Hundred Million Dollars (\$800,000,000.00), which will create at least two hundred (200) full-time jobs with an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least Forty-five Thousand Dollars (\$45,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xx) Any planned mixed use development located on not less than four thousand (4,000) acres of land that will consist of commercial, recreational, resort, tourism and residential development with a capital investment from

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private sources of not less than Four Hundred Seventy-five Million Dollars (\$475,000,000.00) in the aggregate in any one (1) or any combination of tourism projects that will create at least three thousand five hundred (3,500) jobs in the aggregate. For the purposes of this paragraph (f)(xx), the term "tourism project" means and has the same definition as that term has in Section 57-28-1. In order to meet the minimum capital investment required under this paragraph (f)(xx), at least Two Hundred Thirty-seven Million Five Hundred Thousand Dollars (\$237,500,000.00) of such investment must be made not later than June 1, 2015, and the remainder of the minimum capital investment must be made not later than June 1, 2017. In order to meet the minimum number of jobs required to be created under this paragraph (f)(xx), at least one thousand seven hundred fifty (1,750) of such jobs must be created not later than June 1, 2015, and the remainder of the jobs must be created not later than June 1, 2017. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxi) Any enterprise owning or operating an automotive manufacturing and assembly plant and its affiliates for which construction begins after March 2, 2007, and not later than December 1, 2007, with an initial capital investment from private sources of not less than Five Hundred Million Dollars (\$500,000,000.00) which will create at least one thousand five hundred (1,500) jobs meeting criteria established by the authority, which criteria shall include, but not be limited to, the requirement that such jobs must be held by persons eligible for employment in the United States under applicable state and federal law. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

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(xxii) Any enterprise owning or operating a major powertrain component manufacturing and assembly plant for which construction begins after May 11, 2007, and not later than December 1, 2007, with an initial capital investment from private sources of not less than Three Hundred Million Dollars (\$300,000,000.00) which will create at least five hundred (500) new full-time jobs meeting criteria established by the authority, which criteria shall include, but not be limited to, the requirement that such jobs must be held by persons eligible for employment in the United States under applicable state and federal law, and the requirement that the average annual wages and taxable benefits of such jobs shall be at least one hundred twenty-five percent (125%) of the most recently published average annual wage of the state or the most recently published average annual wage of the county in which the project is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxiii) Any biological and agricultural defense project operated by an agency of the government of the United States with an initial capital investment of not less than Four Hundred Fifty Million Dollars (\$450,000,000.00) from any source other than the State of Mississippi and its subdivisions, which will create at least two hundred fifty (250) new full-time jobs. All jobs created by the project must be held by persons eligible for employment in the United States under applicable state and federal law.

(xxiv) Any enterprise owning or operating an existing tire manufacturing plant which adds to such plant capital assets of not less than Twenty-five Million Dollars (\$25,000,000.00) after January 1, 2009, and that maintains at least one thousand two hundred (1,200) full-time jobs in this state at one (1) location with an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least Forty-five Thousand Dollars (\$45,000.00). The

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authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxv) Any enterprise owning or operating a facility for the manufacture of composite components for the aerospace industry which will have an investment from private sources of not less than One Hundred Seventy-five Million Dollars (\$175,000,000.00) by not later than December 31, 2015, and which will result in the full-time employment at the project site of not less than two hundred seventy-five (275) persons by December 31, 2011, and not less than four hundred twenty-five (425) persons by December 31, 2013, and not less than eight hundred (800) persons by December 31, 2017, all with an average annual compensation, excluding benefits which are not subject to Mississippi income taxes, of at least Fifty-three Thousand Dollars (\$53,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxvi) Any enterprise owning or operating a facility for the manufacture of pipe which will have an investment from any source other than the State of Mississippi and its subdivisions of not less than Three Hundred Million Dollars (\$300,000,000.00) by not later than December 31, 2015, and which will create at least five hundred (500) new full-time jobs within five (5) years after the start of commercial production and maintain such jobs for at least ten (10) years, all with an average annual compensation, excluding benefits which are not subject to Mississippi income taxes, of at least Thirty-two Thousand Dollars (\$32,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

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2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxvii) Any enterprise owning or operating a facility for the manufacture of solar panels which will have an investment from any source other than the State of Mississippi and its subdivisions of not less than One Hundred Thirty-two Million Dollars (\$132,000,000.00) by not later than December 31, 2015, and which will create at least five hundred (500) new full-time jobs within five (5) years after the start of commercial production and maintain such jobs for at least ten (10) years, all with an average annual compensation, excluding benefits which are not subject to Mississippi income taxes, of at least Thirty-four Thousand Dollars (\$34,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxviii) 1. Any enterprise owning or operating an automotive parts manufacturing plant and its affiliates for which construction begins after June 1, 2013, and not later than June 30, 2014, with an initial capital investment of not less than Three Hundred Million Dollars (\$300,000,000.00) which will create at least five hundred (500) new full-time jobs meeting criteria established by the authority, which criteria shall include, but not be limited to, the requirement that such jobs must be held by persons eligible for employment in the United States under applicable state and federal law, and the requirement that the average annual wages and taxable benefits of such jobs shall be at least one hundred ten percent (110%) of the most recently published average annual wage of the state or the most recently published average annual wage of the county in which the project is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The authority shall require that binding commitments be entered into requiring that:

a. The minimum requirements for the project provided for in this subparagraph shall be met; and

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b. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

2. It is anticipated that the project defined in this subparagraph (xxviii) will expand in three (3) additional phases, will create an additional five hundred (500) full-time jobs meeting the above criteria in each phase, and will invest an additional Three Hundred Million Dollars (\$300,000,000.00) per phase.

(g) (i) "Project area" means the project site, together with any area or territory within the state lying within sixty-five (65) miles of any portion of the project site whether or not such area or territory be contiguous; however, for the project defined in paragraph (f)(iv) of this section the term "project area" means any area or territory within the state. The project area shall also include all territory within a county if any portion of such county lies within sixty-five (65) miles of any portion of the project site. "Project site" means the real property on which the principal facilities of the enterprise will operate. The provisions of this subparagraph (i) shall not apply to a project as defined in paragraph (f)(xxi) of this section.

(ii) For the purposes of a project as defined in paragraph (f)(xxi) of this section, the term "project area" means the acreage authorized in the certificate of convenience and necessity issued by the Mississippi Development Authority to a regional economic development alliance under Section 57-64-1 et seq.

(h) "Public agency" means:

(i) Any department, board, commission, institution or other agency or instrumentality of the state;

(ii) Any city, town, county, political subdivision, school district or other district created or existing under the laws of the state or any public agency of any such city, town, county, political subdivision or district or any other public entity created or existing under local and private legislation;

(iii) Any department, commission, agency or instrumentality of the United States of America; and

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(iv) Any other state of the United States of America which may be cooperating with respect to location of the project within the state, or any agency thereof.

(i) "State" means State of Mississippi.

(j) "Fee-in-lieu" means a negotiated fee to be paid by the project in lieu of any franchise taxes imposed on the project by Chapter 13, Title 27, Mississippi Code of 1972. The fee-in-lieu shall not be less than Twenty-five Thousand Dollars (\$25,000.00) annually. A fee-in-lieu may be negotiated with an enterprise operating an existing project defined in* * * paragraph (f)(iv)1 of this section; however, a fee-in-lieu shall not be negotiated for other existing enterprises that fall within the definition of the term "project."

(k) "Affiliate" means a subsidiary or related business entity which shares a common direct or indirect ownership with the enterprise owning or operating a project as defined in* * * paragraph (f)(xxi) or paragraph (f)(xxviii) of this section. The subsidiary or related business must provide services directly related to the core activities of the project.

(l) "Tier One supplier" means a supplier of a project as defined in* * * paragraph (f)(xxi) of this section that is certified by the enterprise owning the project and creates a minimum of fifty (50) new full-time jobs.

SECTION 2. Section 57-75-9, Mississippi Code of 1972, is amended as follows:

57-75-9. (1) The authority is hereby designated and empowered to act on behalf of the state in submitting a siting proposal for any project eligible for assistance under this act. The authority is empowered to take all steps appropriate or necessary to effect the siting, development, and operation of the project within the state, including the negotiation of a fee-in-lieu. If the state is selected as the preferred site for the project, the authority is hereby designated and empowered to act on behalf of the state and to represent the state in the planning, financing, development, construction and operation of the project or any facility related to the project, with the concurrence of the affected public agency. The authority may take affirmative steps to coordinate fully all aspects of the submission of a siting proposal for the project and, if the state is selected as the preferred site, to coordinate fully, with the concurrence of the affected

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public agency, the development of the project or any facility related to the project with private business, the United States government and other public agencies. All public agencies are encouraged to cooperate to the fullest extent possible to effectuate the duties of the authority; however, the development of the project or any facility related to the project by the authority may be done only with the concurrence of the affected public agency.

(2) (a) Contracts, by the authority or a public agency, including, but not limited to, design and construction contracts, for the acquisition, purchase, construction or installation of a project defined in Section 57-75-5(f)(iv)1 or any facility related to the project shall be exempt from the provisions of Section 31-7-13 if:

(i) The authority finds and records such finding on its minutes, that because of availability or the particular nature of a project, it would not be in the public interest or would less effectively achieve the purposes of this chapter to enter into such contracts on the basis of Section 31-7-13; and

(ii) The enterprise that is involved in the project concurs in such finding.

(b) When the requirements of paragraph (a) of this subsection are met:

(i) The requirements of Section 31-7-13 shall not apply to such contracts; and

(ii) The contracts may be entered into on the basis of negotiation.

(c) The enterprise involved with the project may, upon approval of the authority, negotiate such contracts in the name of the authority.

(d) The provisions of this subsection (2) shall not apply to contracts by the authority for excavation, fill dirt and compaction for the preparation of the site of a project as defined in Section 57-75-5(f)(iv)1 and such contracts may be entered into pursuant to subsection (3) of this section.

(3) (a) Contracts by the authority for excavation, fill dirt and compaction for the preparation of the site of a project defined in Section 57-75-5(f)(iv)1 shall be exempt from the

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provisions of Section 31-7-13 and the following procedure shall be followed in the award of such contracts:

(i) The authority shall advertise for a period of time to be set by the authority, but in no event less than one (1) business day, the date, time and place of a meeting with the authority to receive specifications on a request for proposals on excavation, fill dirt and compaction for the preparation of the site of the project defined in Section 57-75-5(f) (iv)1.

(ii) The authority shall set the minimum qualifications necessary to be considered for award of the contract and the advertisement shall set forth such minimum qualifications.

(iii) Following the meeting the authority shall, in its discretion, select one or more of the qualified contractors with whom to negotiate or award the contract. The decision of the authority concerning the selection of the contractor shall be final.

(b) Contracts by the authority or a public agency for site preparation, utilities, real estate improvements, wastewater or for public works for a project defined in Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) shall be exempt from the provisions of Section 31-7-13 and the following procedure shall be followed in the award of such contracts:

(i) The authority or the public agency shall advertise for a period of time to be set by the authority or the public agency, but in no event less than one (1) nor more than five (5) calendar days, the date, time and place of a meeting with the authority or the public agency to receive specifications on the preparation of the site of the project defined in Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii).

(ii) The authority or the public agency shall set the minimum qualifications necessary to be considered for award of the contract and the advertisement shall set forth such minimum qualifications.

(iii) Following the meeting the authority or the public agency shall, in its discretion, select one or more of the qualified contractors with whom to negotiate or award the contract. The decision of the authority or the public agency concerning the selection of the contractor shall be final.

(c) Contracts by a public agency for site preparation, utilities, real estate improvements, infrastructure, roads or

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for public works for a project defined in Section 57-75-5(f) (xxiii) may be exempt from the provisions of Section 31-7-13 and the following procedure shall be followed in the award of contracts:

(i) The public agency shall advertise for a period of time to be set by the public agency, but in no event less than one (1) nor more than five (5) calendar days, the date, time and place of a meeting with the public agency to receive specifications on site preparation, utilities, real estate improvements, infrastructure, roads or for public works related to the project defined in Section 57-75-5(f) (xxiii).

(ii) The public agency shall set the minimum qualifications necessary to be considered for award of the contract and the advertisement shall set forth such minimum qualifications.

(iii) Following the meeting the public agency shall, in its discretion, select one or more of the qualified contractors with whom to negotiate or award the contract. The decision of the public agency concerning selection of the contractor shall be final.

(4) (a) Contracts, by the authority or a public agency, including, but not limited to, design and construction contracts, for the acquisition, purchase, construction or installation of a project defined in Section 57-75-5(f) (xxvi) * * *, Section 57-75-5(f) (xxvii) or Section 57-75-5(f) (xxviii) shall be exempt from the provisions of Section 31-7-13 if:

(i) The authority finds and records such finding on its minutes, that because of availability or the particular nature of a project, it would not be in the public interest or would less effectively achieve the purposes of this chapter to enter into such contracts on the basis of Section 31-7-13; and

(ii) The enterprise that is involved in the project concurs in such finding.

(b) When the requirements of paragraph (a) of this subsection are met:

(i) The requirements of Section 31-7-13 shall not apply to such contracts; and

(ii) The contracts may be entered into on the basis of negotiation.

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SECTION 3. Section 57-75-11, Mississippi Code of 1972, is amended as follows:

57-75-11. The authority, in addition to any and all powers now or hereafter granted to it, is empowered and shall exercise discretion and the use of these powers depending on the circumstances of the project or projects:

(a) To maintain an office at a place or places within the state.

(b) To employ or contract with architects, engineers, attorneys, accountants, construction and financial experts and such other advisors, consultants and agents as may be necessary in its judgment and to fix and pay their compensation.

(c) To make such applications and enter into such contracts for financial assistance as may be appropriate under applicable federal or state law.

(d) To apply for, accept and utilize grants, gifts and other funds or aid from any source for any purpose contemplated by the act, and to comply, subject to the provisions of this act, with the terms and conditions thereof.

(e) (i) To acquire by purchase, lease, gift, or in other manner, including quick-take eminent domain, or obtain options to acquire, and to own, maintain, use, operate and convey any and all property of any kind, real, personal, or mixed, or any interest or estate therein, within the project area, necessary for the project or any facility related to the project. The provisions of this paragraph that allow the acquisition of property by quick-take eminent domain shall be repealed by operation of law on July 1, 1994; and

(ii) Notwithstanding any other provision of this paragraph (e), from and after November 6, 2000, to exercise the right of immediate possession pursuant to the provisions of Sections 11-27-81 through 11-27-89 for the purpose of acquiring land, property and/or rights-of-way in the county in which a project as defined in Section 57-75-5(f)(iv)1 is located, that are necessary for such project or any facility related to the project.

(f) To acquire by purchase or lease any public lands and public property, including sixteenth section lands and lieu lands, within the project area, which are necessary for the project. Sixteenth section lands or lieu lands acquired

under this act shall be deemed to be acquired for the purposes of industrial development thereon and such acquisition will serve a higher public interest in accordance with the purposes of this act.

(g) If the authority identifies any land owned by the state as being necessary, for the location or use of the project, or any facility related to the project, to recommend to the Legislature the conveyance of such land or any interest therein, as the Legislature deems appropriate.

(h) To make or cause to be made such examinations and surveys as may be necessary to the planning, design, construction and operation of the project.

(i) From and after the date of notification to the authority by the enterprise that the state has been finally selected as the site of the project, to acquire by condemnation and to own, maintain, use, operate and convey or otherwise dispose of any and all property of any kind, real, personal or mixed, or any interest or estate therein, within the project area, necessary for the project or any facility related to the project, with the concurrence of the affected public agency, and the exercise of the powers granted by this act, according to the procedures provided by Chapter 27, Title 11, Mississippi Code of 1972, except as modified by this act.

(i) Except as otherwise provided in subparagraph (iii) of this paragraph (i), in acquiring lands by condemnation, the authority shall not acquire minerals or royalties in minerals unless a competent registered professional engineer shall have certified that the acquisition of such minerals and royalties in minerals is necessary for purposes of the project; provided that limestone, clay, chalk, sand and gravel shall not be considered as minerals for the purposes of subparagraphs (i) and (ii) of this paragraph (i);

(ii) Unless minerals or royalties in minerals have been acquired by condemnation or otherwise, no person or persons owning the drilling rights or the right to share in production of minerals shall be prevented from exploring, developing, or producing oil or gas with necessary rights-of-way for ingress and egress, pipelines and other means of transporting interests on any land or interest therein of the authority held or used for the purposes of this act; but any such activities shall be under such reasonable regulation by the authority as will adequately protect the

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project contemplated by this act as provided in paragraph (r) of this section; and

(iii) In acquiring lands by condemnation, including the exercise of immediate possession, for a project, as defined in Section 57-75-5(f)(iv)1, the authority may acquire minerals or royalties in minerals.

(j) To negotiate the necessary relocation or rerouting of roads and highways, railroad, telephone and telegraph lines and properties, electric power lines, pipelines and related facilities, or to require the anchoring or other protection of any of these, provided due compensation is paid to the owners thereof or agreement is had with such owners regarding the payment of the cost of such relocation, and to acquire by condemnation or otherwise easements or rights-of-way for such relocation or rerouting and to convey the same to the owners of the facilities being relocated or rerouted in connection with the purposes of this act.

(k) To negotiate the necessary relocation of graves and cemeteries and to pay all reasonable costs thereof.

(l) To perform or have performed any and all acts and make all payments necessary to comply with all applicable federal laws, rules or regulations including, but not limited to, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651 to 4655) and relocation rules and regulations promulgated by any agency or department of the federal government.

(m) To construct, extend, improve, maintain, and reconstruct, to cause to be constructed, extended, improved, maintained, and reconstructed, and to use and operate any and all components of the project or any facility related to the project, with the concurrence of the affected public agency, within the project area, necessary to the project and to the exercise of such powers, rights, and privileges granted the authority.

(n) To incur or defray any designated portion of the cost of any component of the project or any facility related to the project acquired or constructed by any public agency.

(o) (i) To lease, sell or convey any or all property acquired by the authority under the provisions of this act to the enterprise, its successors or assigns, and/or any entity for purposes in furtherance of economic development

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as determined by the authority, and in connection therewith to pay the costs of title search, perfection of title, title insurance and recording fees as may be required. The authority may provide in the instrument conveying such property a provision that such property shall revert to the authority if, as and when the property is declared by the transferee to be no longer needed.

(ii) To lease, sell, transfer or convey on any terms agreed upon by the authority any or all real and personal property, improvements, leases, funds and contractual obligations of a project as defined in Section 57-75-5(f) (vi) and conveyed to the State of Mississippi by a Quitclaim Deed from the United States of America dated February 23, 1996, filed of record at pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office, Tishomingo County, Mississippi, to any governmental authority located within the geographic boundaries of the county wherein such project exists upon agreement of such governmental authority to undertake and assume from the State of Mississippi all obligations and responsibilities in connection with ownership and operation of the project. Property leased, sold, transferred or otherwise conveyed by the authority under this paragraph (o) shall be used only for economic development purposes.

(p) To enter into contracts with any person or public agency, including, but not limited to, contracts authorized by Section 57-75-17, in furtherance of any of the purposes authorized by this act upon such consideration as the authority and such person or public agency may agree. Any such contract may extend over any period of time, notwithstanding any rule of law to the contrary, may be upon such terms as the parties thereto shall agree, and may provide that it shall continue in effect until bonds specified therein, refunding bonds issued in lieu of such bonds, and all other obligations specified therein are paid or terminated. Any such contract shall be binding upon the parties thereto according to its terms. Such contracts may include an agreement to reimburse the enterprise, its successors and assigns for any assistance provided by the enterprise in the acquisition of real property for the project or any facility related to the project.

(q) To establish and maintain reasonable rates and charges for the use of any facility within the project area owned or operated by the authority, and from time to time, to

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adjust such rates and to impose penalties for failure to pay such rates and charges when due.

(r) To adopt and enforce with the concurrence of the affected public agency all necessary and reasonable rules and regulations to carry out and effectuate the implementation of the project and any land use plan or zoning classification adopted for the project area, including, but not limited to, rules, regulations, and restrictions concerning mining, construction, excavation or any other activity the occurrence of which may endanger the structure or operation of the project. Such rules may be enforced within the project area and without the project area as necessary to protect the structure and operation of the project. The authority is authorized to plan or replan, zone or rezone, and make exceptions to any regulations, whether local or state, with the concurrence of the affected public agency which are inconsistent with the design, planning, construction or operation of the project and facilities related to the project.

(s) To plan, design, coordinate and implement measures and programs to mitigate impacts on the natural environment caused by the project or any facility related to the project.

(t) To develop plans for technology transfer activities to ensure private sector conduits for exchange of information, technology and expertise related to the project to generate opportunities for commercial development within the state.

(u) To consult with the State Department of Education and other public agencies for the purpose of improving public schools and curricula within the project area.

(v) To consult with the State Board of Health and other public agencies for the purpose of improving medical centers, hospitals and public health centers in order to provide appropriate health care facilities within the project area.

(w) To consult with the Office of Minority Business Enterprise Development and other public agencies for the purpose of developing plans for technical assistance and loan programs to maximize the economic impact related to the project for minority business enterprises within the State of Mississippi.

(x) To deposit into the "Yellow Creek Project Area Fund" created pursuant to Section 57-75-31:

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(i) Any funds or aid received as authorized in this section for the project described in Section 57-75-5(f) (vi), and

(ii) Any funds received from the sale or lease of property from the project described in Section 57-75-5(f) (vi) pursuant to the powers exercised under this section.

(y) To manage and develop the project described in Section 57-75-5(f) (vi).

(z) To promulgate rules and regulations necessary to effectuate the purposes of this act.

(aa) To negotiate a fee-in-lieu with the owners of the project.

(bb) To enter into contractual agreements to warrant any site work for a project defined in Section 57-75-5(f) (iv)1; provided, however, that the aggregate amount of such warranties shall not exceed Fifteen Million Dollars (\$15,000,000.00).

(cc) To provide grant funds to an enterprise operating a project defined in Section 57-75-5(f) (iv)1 in an amount not to exceed Thirty-nine Million Dollars (\$39,000,000.00).

(dd) (i) To own surface water transmission lines constructed with the proceeds of bonds issued pursuant to this act and in connection therewith to purchase and provide water to any project defined in Section 57-75-5(f) (iv) and to certificated water providers; and

(ii) To lease such surface water transmission lines to a public agency or public utility to provide water to such project and to certificated water providers.

(ee) To provide grant funds to an enterprise operating a project defined in Section 57-75-5(f) (v) or, in connection with a facility related to such a project, for job training, recruiting and infrastructure.

(ff) To enter into negotiations with persons proposing projects defined in Section 57-75-5(f) (xi) and execute acquisition options and conduct planning, design and environmental impact studies with regard to such project.

(gg) To establish such guidelines, rules and regulations as the authority may deem necessary and appropriate from time to time in its sole discretion, to promote the purposes of this act.

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(hh) In connection with projects defined in Section 57-75-5(f) (ii):

(i) To provide grant funds or loans to a public agency or an enterprise owning, leasing or operating a project defined in Section 57-75-5(f) (ii) in amounts not to exceed the amount authorized in Section 57-75-15(3) (b);

(ii) To supervise the use of all such grant funds or loans; and

(iii) To requisition money in the Mississippi Major Economic Impact Authority Revolving Loan Fund in connection with such loans.

(ii) In connection with projects defined under Section 57-75-5(f) (xiv):

(i) To provide grant funds or loans to an enterprise owning, leasing or operating a project defined in Section 57-75-5(f) (xiv); however, the aggregate amount of any such loans under this paragraph (ii) shall not exceed Eighteen Million Dollars (\$18,000,000.00) and the aggregate amount of any such grants under this paragraph (ii) shall not exceed Six Million Dollars (\$6,000,000.00);

(ii) To supervise the use of all such grant funds or loans; and

(iii) Notwithstanding any provision of this act to the contrary, such loans shall be for a term not to exceed twenty (20) years as may be determined by the authority, shall bear interest at such rates as may be determined by the authority, shall, in the sole discretion of the authority, be secured in an amount and a manner as may be determined by the authority.

(jj) In connection with projects defined under Section 57-75-5(f) (xviii):

(i) To provide grant funds of Twenty-five Million Dollars (\$25,000,000.00) to an enterprise owning or operating a project defined in Section 57-75-5(f) (xviii) to be used for real estate improvements and which may be disbursed as determined by the authority;

(ii) To provide loans to an enterprise owning or operating a project defined in Section 57-75-5(f) (xviii) or make payments to a lender providing financing to the enterprise; subject to the following provisions:

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1. Not more than Ten Million Dollars (\$10,000,000.00) may be loaned to such an enterprise for the purpose of defraying costs incurred by the enterprise for site preparation and real property improvements during the construction of the project in excess of budgeted costs; however, the amount of any such loan shall not exceed fifty percent (50%) of such excess costs;

2. Not more than Sixty Million Dollars (\$60,000,000.00) may be loaned to such an enterprise or paid to a lender providing financing to the enterprise for purposes determined appropriate by the authority, and the enterprise shall be obligated to repay the amount of the loan or payment plus any expenses incurred by the state as a result of the issuance of bonds pursuant to Section 57-75-15(3)(p); however, no such loan or payment may be made before the beginning of the fifth year after issuance by the enterprise of debt in like amount the proceeds of which are to be used in connection with the project;

(iii) To supervise the use of all such loan funds;

(iv) Loans under this paragraph (jj) may be for any term determined appropriate by the authority provided that the payments on any loan must be in an amount sufficient to pay the state's debt service on bonds issued for the purpose of providing funds for such a loan; and

(v) The repayment obligation of the enterprise for any loan or payment authorized under this paragraph (jj) shall, in the discretion of the authority, be secured in an amount and a manner as may be determined by the authority.

(kk) In connection with projects defined in Section 57-75-5(f)(xxi) or a facility related to such a project:

(i) To provide grant funds to reimburse public agencies, Itawamba Community College, Northeast Mississippi Community College, and/or East Mississippi Community College, public or private nonprofits or an enterprise owning or operating a project as defined in Section 57-75-5(f)(xxi) for site preparation, real estate improvements, utilities, railroads, roads, infrastructure, job training, recruiting and any other expenses approved by the authority in amounts not to exceed the amount authorized in Section 57-75-15(3)(s);

(ii) To supervise the use of all such grant funds so reimbursed; and

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(iii) To enter into contractual agreements to warrant site preparation and availability for a project defined in Section 57-75-5(f)(xxi).

(ll) In connection with a project related to a Tier One supplier:

(i) To provide grant funds to reimburse public agencies, public or private nonprofits and Tier One suppliers for site preparation, real estate improvements, utilities, railroads, roads, infrastructure, job training, recruiting and any other expenses approved by the authority in amounts not to exceed the amount authorized in Section 57-75-15(3)(t);

(ii) To supervise the use of all such grant funds so reimbursed.

(mm) In connection with projects defined in Section 57-75-5(f)(xxii) or a facility related to such a project:

(i) To provide grant funds to reimburse public agencies or an enterprise owning or operating a project as defined in Section 57-75-5(f)(xxii) for site preparation, real estate improvements, utilities, fire protection, wastewater, railroads, roads, infrastructure, job training, recruiting and any other expenses approved by the authority in amounts not to exceed the amount authorized in Section 57-75-15(3)(u); and

(ii) To supervise the use of all such grant funds so reimbursed.

(nn) It is the policy of the authority and the authority is authorized to accommodate and support any enterprise owning or operating a project defined in Section 57-75-5(f)(xviii), 57-75-5(f)(xxi), 57-75-5(f)(xxii), 57-75-5(f)(xxvi)* * *, 57-75-5(f)(xxvii) or 57-75-5(f)(xxviii) or an enterprise developing or owning a project defined in Section 57-75-5(f)(xx), that wishes to have a program of diversity in contracting, and/or that wishes to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small Business Act (15 USCS 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be

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socially and economically disadvantaged individuals for the purposes of this paragraph.

(oo) To provide grant funds to an enterprise developing or owning a project defined in Section 57-75-5(f)(xx) for reimbursement of costs incurred by such enterprise for infrastructure improvements in the initial phase of development of the project, upon dedication of such improvements to the appropriate public agency.

(pp) In connection with projects defined in Section 57-75-5(f)(xxiii):

(i) To provide grant funds to reimburse public agencies or an enterprise operating a project as defined in Section 57-75-5(f)(xxiii) for site preparation, utilities, real estate improvements, infrastructure, roads, public works, job training and any other expenses approved by the authority in amounts not to exceed the amount authorized in Section 57-75-15(3)(v); and

(ii) To supervise the use of all such grant funds so reimbursed.

(qq) (i) To provide grant funds for the expansion of a publicly owned building for the project defined in Section 57-75-5(f)(xxiv) or loans to an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(xxiv) for the purchase and/or relocation of equipment, or for any other purpose related to the project as approved by the authority; however, the aggregate amount of any such loans under this paragraph (qq) shall not exceed Six Million Dollars (\$6,000,000.00) and the aggregate amount of any such grants under this paragraph (qq) shall not exceed Seven Million Dollars (\$7,000,000.00);

(ii) To supervise the use of all such grant funds or loans; and

(iii) Notwithstanding any provision of this act to the contrary, such loans shall be for a term not to exceed ten (10) years as may be determined by the authority, shall bear a rate of interest to be determined by the authority, and shall be secured in an amount and a manner as may be determined by the authority.

(rr) (i) To provide grant funds to an enterprise owning or operating a project defined in Section 57-75-5(f)(xxv)

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for reimbursement of costs incurred by the enterprise in reconfiguring the manufacturing plant and for the purchase of equipment, or for any other purpose related to the project as approved by the authority;

(ii) To supervise the use of all such grant funds.

(ss) In connection with projects defined under Section 57-75-5(f) (xxvi) :

(i) To provide grant funds and/or loans to a public agency in an amount not to exceed Fifteen Million Dollars (\$15,000,000.00) for the construction of a publicly owned building to be leased by the enterprise owning or operating the project;

(ii) To provide loan guarantees in an amount not to exceed the total cost of the project for which financing is sought or Twenty Million Dollars (\$20,000,000.00), whichever is less, for the purpose of encouraging the extension of conventional financing and the issuance of letters of credit to the enterprise owning or operating the project;

(iii) In connection with any loan guarantee made pursuant to this paragraph, to make payments to lenders providing financing to the enterprise owning or operating the project and the enterprise shall be obligated to repay the amount of the payment plus any expenses incurred by the state as a result of the issuance of bonds pursuant to Section 57-75-15(3) (y);

(iv) To supervise the use of all such grant funds, loan funds or payments; and

(v) To require the enterprise owning or operating the project to provide security for the repayment obligation for any loan guarantee authorized under this paragraph in an amount and in a manner as may be determined by the authority.

(tt) In connection with projects defined under Section 57-75-5(f) (xxvii) :

(i) To provide loans to a public agency in an amount not to exceed Fifty Million Dollars (\$50,000,000.00) for the construction of a publicly owned building and acquisition of equipment to be leased by the enterprise owning or operating the project; and

(ii) To supervise the use of all such loan funds.

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(uu) In connection with projects defined under Section 57-75-5(f) (xxviii):

(i) To provide grant funds to reimburse public agencies or an enterprise operating a project for site preparation, utilities, real estate purchase and improvements, infrastructure, roads, rail improvements, public works, job training and any other expenses approved by the authority in amounts not to exceed the amount authorized in Section 57-75-15(3) (aa); and

(ii) To supervise the use of all such grant funds so reimbursed.

(* * * vv) (i) In addition to any other requirements or conditions under this chapter, the authority shall require that any application for assistance regarding a project under this chapter include, at a minimum:

1. A two-year business plan (which shall include pro forma balance sheets, income statements and monthly cash flow statements);

2. Financial statements or tax returns for the three (3) years immediately prior to the application (if the project is a new company or enterprise, personal financial statements or tax returns will be required);

3. Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the project;

4. Data supporting the expertise of the project's principals;

5. A cost-benefit analysis of the project performed by a state institution of higher learning or other entity selected by the authority; and

6. Any other information required by the authority.

(ii) The authority shall require that binding commitments be entered into requiring that:

1. The applicable minimum requirements of this chapter and such other requirements as the authority considers proper shall be met; and

2. If the agreed upon commitments are not met, all or a portion of the funds provided under this chapter as determined by the authority shall be repaid.

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(iii) Where appropriate, in the discretion of the authority, the authority shall acquire a security interest in or other lien upon any applicable collateral.

(iv) The provisions of this paragraph (* * * vv) shall not apply to a project defined in Section 57-75-5(f) (xxiii).

SECTION 4. Section 57-75-15, Mississippi Code of 1972, as amended by House Bill No. 1049, 2013 Regular Session, and Senate Bill No. 2913, 2013 Regular Session, is amended as follows:

[Through June 30, 2014, this section shall read as follows:]

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter from time to time declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements with the United States government, private companies and others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.

(2) Upon receipt of any such declaration from the authority, the State Bond Commission shall verify that the state has been selected as the site of the project and shall act as the issuing agent for the series of bonds directed to be issued in such declaration pursuant to authority granted in this section.

(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed an aggregate principal amount in the sum of Sixty-seven Million Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed Sixty-three Million Dollars (\$63,000,000.00). The authority, with the express direction of the State Bond Commission, is

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authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section 57-75-5(f)(ii), as it may be amended from time to time. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation or will support critical studies or investigations authorized by Section 57-75-5(f)(ii).

(c) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(iii) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after December 31, 1996.

(d) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(iv) shall not exceed Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An additional amount of bonds in an amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) may be issued under the authority of this section for the purpose of defraying costs associated with the construction of surface water transmission lines for a project defined in Section 57-75-5(f)(iv) or for any facility related to the project. No bonds shall be issued under this paragraph after June 30, 2005.

(e) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(v) and for facilities related to such projects shall not exceed Thirty-eight Million Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(f) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(vii) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2006.

(g) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(viii) shall not exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No bonds shall be issued under this paragraph after June 30, 2008.

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(h) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(ix) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2007.

(i) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(x) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(j) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xii) shall not exceed Thirty-three Million Dollars (\$33,000,000.00). The amount of bonds that may be issued under this paragraph for projects defined in Section 57-75-5(f)(xii) may be reduced by the amount of any federal or local funds made available for such projects. No bonds shall be issued under this paragraph until local governments in or near the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Five Hundred Thousand Dollars (\$2,500,000.00) in the aggregate; however, this irrevocable commitment requirement may be waived by the authority upon a finding that due to the unforeseen circumstances created by Hurricane Katrina, the local governments are unable to comply with such commitment. No bonds shall be issued under this paragraph after June 30, 2008.

(k) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiii) shall not exceed Three Million Dollars (\$3,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(l) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiv) shall not exceed Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be issued under this paragraph until local governments in the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Dollars (\$2,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(m) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xv) shall not exceed Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

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(n) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvi) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(o) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvii) shall not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No bonds shall be issued under this paragraph after June 30, 2010.

(p) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xviii) shall not exceed Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(q) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xix) shall not exceed Fifteen Million Dollars (\$15,000,000.00). No bonds shall be issued under this paragraph after June 30, 2012.

(r) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xx) shall not exceed Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be issued under this paragraph after the effective date of House Bill No. 1049, 2013 Regular Session.

(s) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxi) shall not exceed Two Hundred Ninety-three Million Nine Hundred Thousand Dollars (\$293,900,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(t) Bonds issued under the authority of this section for Tier One suppliers shall not exceed Thirty Million Dollars (\$30,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(u) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxii) shall not exceed Forty-eight Million Four Hundred Thousand Dollars (\$48,400,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(v) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiii) shall not exceed Eighty-eight Million Two Hundred Fifty Thousand

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Dollars (\$88,250,000.00). No bonds shall be issued under this paragraph after July 1, 2009.

(w) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiv) shall not exceed Thirteen Million Dollars (\$13,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(x) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxv) shall not exceed Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be issued under this paragraph after July 1, 2017.

(y) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvi) shall not exceed Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00). No bonds shall be issued under this paragraph after July 1, 2021.

(z) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvii) shall not exceed Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued under this paragraph after the effective date of House Bill No. 1049, 2013 Regular Session.

(aa) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxviii) shall not exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No bonds shall be issued under this paragraph after July 1, 2023.

(4) (a) The proceeds from the sale of the bonds issued under this section may be applied for the following purposes:

(i) Defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement, relocation and with respect to state-owned property, operation and maintenance of the project and any facility related to the project located within the project area, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of environmental impacts and environmental impact studies;

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(ii) Defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity;

(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(iv) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(iv)1;

(v) Paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f)(iv)1;

(vi) Defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(vii) Providing for the payment of interest on the bonds;

(viii) Providing debt service reserves;

(ix) Paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds;

(x) For purposes authorized in paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this subsection (4);

(xi) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(v), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

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(xii) Providing grant funds or loans to a public agency or an enterprise owning, leasing or operating a project defined in Section 57-75-5(f) (ii);

(xiii) Providing grant funds or loans to an enterprise owning, leasing or operating a project defined in Section 57-75-5(f) (xiv);

(xiv) Providing grants, loans and payments to or for the benefit of an enterprise owning or operating a project defined in Section 57-75-5(f) (xviii);

(xv) Purchasing equipment for a project defined in Section 57-75-5(f) (viii) subject to such terms and conditions as the authority considers necessary and appropriate;

(xvi) Providing grant funds to an enterprise developing or owning a project defined in Section 57-75-5(f) (xx);

(xvii) Providing grants for projects as authorized in Section 57-75-11(kk), (ll)* * *, (mm) and (uu), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xviii) Providing grants for projects as authorized in Section 57-75-11(pp) for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xix) Providing grants and loans for projects as authorized in Section 57-75-11(qq);

(xx) Providing grants for projects as authorized in Section 57-75-11(rr);

(xxi) Providing grants, loans and payments as authorized in Section 57-75-11(ss); and

(xxii) Providing grants and loans as authorized in Section 57-75-11(tt).

Such bonds shall be issued from time to time and in such principal amounts as shall be designated by the authority, not to exceed in aggregate principal amounts the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing

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them, and the earning on such investment applied as provided in such resolution or trust indenture.

(b) (i) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (b)(i) shall not exceed Three Hundred Thousand Dollars (\$300,000.00) in the aggregate. Reimbursements under this paragraph (b)(i) shall satisfy any applicable federal tax law requirements.

(ii) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (b)(ii) shall not exceed One Hundred Thousand Dollars (\$100,000.00) in the aggregate. Reimbursements under this paragraph (b)(ii) shall satisfy any applicable federal tax law requirements.

(c) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

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(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (ix) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(d) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (x) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (x) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(e) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xii) may be used

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to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (e)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (e)(ii) shall satisfy any applicable federal tax law requirements.

(f) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xiii), (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (f)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xiii), (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of

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proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project. Reimbursements under this paragraph (f)(ii) shall satisfy any applicable federal tax law requirements.

(g) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (g)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (g)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (g)(ii) shall satisfy any applicable federal tax law requirements.

(h) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided

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from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (h)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (h)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (h)(ii) shall satisfy any applicable federal tax law requirements.

(i) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (i)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and

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Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (i)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (i)(ii) shall satisfy any applicable federal tax law requirements.

(j) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (j)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (j)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (j)(ii) shall satisfy any applicable federal tax law requirements.

(k) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (k)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

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(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (k)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (k)(ii) shall satisfy any applicable federal tax law requirements.

(l) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (l)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (l)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (l)(ii) shall satisfy any applicable federal tax law requirements.

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(m) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (m)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (m)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (m)(ii) shall satisfy any applicable federal tax law requirements.

(n) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxviii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (n)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxviii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of

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proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (n)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (n)(ii) shall satisfy any applicable federal tax law requirements.

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration privileges; and be substantially in such form; all as shall be determined by resolution of the State Bond Commission except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from the date thereof and extending not more than twenty-five (25) years from the date thereof. The bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be imprinted on or affixed thereto, attested by the manual or facsimile signature of the Secretary of the State Bond Commission. Whenever any such bonds have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

(6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by this chapter, the State Bond Commission shall not

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be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The State Bond Commission shall act as issuing agent for the bonds, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. The bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of this section, may provide that the bonds, at the option of the state, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state. The Legislature shall appropriate annually an amount sufficient to pay the principal of and the interest on such bonds as they become due. All bonds shall contain recitals on their faces substantially covering the foregoing provisions of this section.

(9) The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants payable out of any funds appropriated by the Legislature under this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued

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under the provisions of this section. The State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(10) The bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the issuance of general obligation bonds under the provisions of this section shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

(11) In anticipation of the issuance of bonds hereunder, the State Bond Commission is authorized to negotiate and enter into any purchase, loan, credit or other agreement with any bank, trust company or other lending institution or to issue and sell interim notes for the purpose of making any payments authorized under this section. All borrowings made under this provision shall be evidenced by notes of the state which shall be issued from time to time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes. No note shall mature more than three (3) years following the date of its issuance. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other costs and expenses of issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

(12) The bonds and interim notes authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District* * * of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi

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Code of 1972, for the validation of county, municipal, school district and other bonds. The necessary papers for such validation proceedings shall be transmitted to the State Bond Attorney, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

(13) Any bonds or interim notes issued under the provisions of this chapter, a transaction relating to the sale or securing of such bonds or interim notes, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

(14) All bonds issued under this chapter shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of the state and all municipalities and other political subdivisions thereof for the purpose of securing the deposit of public funds.

(15) The Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for, and the Bond Commission is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

(16) There is hereby created a special fund in the State Treasury to be known as the Mississippi Major Economic Impact Authority Fund wherein shall be deposited the proceeds of the bonds issued under this chapter and all monies received by the authority to carry out the purposes of this chapter. Expenditures authorized herein shall be paid by the State Treasurer upon warrants drawn from the fund, and the Department of Finance and Administration shall issue warrants upon requisitions signed by the director of the authority.

(17) (a) There is hereby created the Mississippi Economic Impact Authority Sinking Fund from which the principal of and interest on such bonds shall be paid by appropriation. All monies paid into the sinking fund not appropriated to pay accruing bonds and interest shall be invested by the State

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Treasurer in such securities as are provided by law for the investment of the sinking funds of the state.

(b) In the event that all or any part of the bonds and notes are purchased, they shall be cancelled and returned to the loan and transfer agent as cancelled and paid bonds and notes and thereafter all payments of interest thereon shall cease and the cancelled bonds, notes and coupons, together with any other cancelled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the cancelled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the sinking fund for the payment of the principal of and interest on the bonds and notes.

(d) Any monies repaid to the state from loans authorized in Section 57-75-11(hh) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund unless the State Bond Commission, at the request of the authority, shall determine that such loan repayments are needed to provide additional loans as authorized under Section 57-75-11(hh). For purposes of providing additional loans, there is hereby created the Mississippi Major Economic Impact Authority Revolving Loan Fund and loan repayments shall be deposited into the fund. The fund shall be maintained for such period as determined by the State Bond Commission for the sole purpose of making additional loans as authorized by Section 57-75-11(hh). Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned on amounts in such fund shall be deposited to the credit of the fund.

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(e) Any monies repaid to the state from loans authorized in Section 57-75-11(ii) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(f) Any monies repaid to the state from loans authorized in Section 57-75-11(jj) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(18) (a) Upon receipt of a declaration by the authority that it has determined that the state is a potential site for a project, the State Bond Commission is authorized and directed to authorize the State Treasurer to borrow money from any special fund in the State Treasury not otherwise appropriated to be utilized by the authority for the purposes provided for in this subsection.

(b) The proceeds of the money borrowed under this subsection may be utilized by the authority for the purpose of defraying all or a portion of the costs incurred by the authority with respect to acquisition options and planning, design and environmental impact studies with respect to a project defined in Section 57-75-5(f)(xi). The authority may escalate its budget and expend the proceeds of the money borrowed under this subsection in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

(c) The authority shall request an appropriation or additional authority to issue general obligation bonds to repay the borrowed funds and establish a date for the repayment of the funds so borrowed.

(d) Borrowings made under the provisions of this subsection shall not exceed Five Hundred Thousand Dollars (\$500,000.00) at any one time.

[From and after July 1, 2014, this section shall read as follows:]

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter from time to time declare the necessity for the issuance of general

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obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements with the United States government, private companies and others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.

(2) Upon receipt of any such declaration from the authority, the State Bond Commission shall verify that the state has been selected as the site of the project and shall act as the issuing agent for the series of bonds directed to be issued in such declaration pursuant to authority granted in this section.

(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed an aggregate principal amount in the sum of Sixty-seven Million Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed Sixty-three Million Dollars (\$63,000,000.00). The authority, with the express direction of the State Bond Commission, is authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section 57-75-5(f)(ii), as it may be amended from time to time. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation or will support critical studies or investigations authorized by Section 57-75-5(f)(ii).

(c) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(iii) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after December 31, 1996.

(d) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(iv) shall not exceed Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An

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additional amount of bonds in an amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) may be issued under the authority of this section for the purpose of defraying costs associated with the construction of surface water transmission lines for a project defined in Section 57-75-5(f)(iv) or for any facility related to the project. No bonds shall be issued under this paragraph after June 30, 2005.

(e) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(v) and for facilities related to such projects shall not exceed Thirty-eight Million Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(f) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(vii) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2006.

(g) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(viii) shall not exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No bonds shall be issued under this paragraph after June 30, 2008.

(h) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(ix) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2007.

(i) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(x) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(j) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xii) shall not exceed Thirty-three Million Dollars (\$33,000,000.00). The amount of bonds that may be issued under this paragraph for projects defined in Section 57-75-5(f)(xii) may be reduced by the amount of any federal or local funds made available for such projects. No bonds shall be issued under this paragraph until local governments in or near the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Five Hundred Thousand Dollars (\$2,500,000.00) in the aggregate; however,

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this irrevocable commitment requirement may be waived by the authority upon a finding that due to the unforeseen circumstances created by Hurricane Katrina, the local governments are unable to comply with such commitment. No bonds shall be issued under this paragraph after June 30, 2008.

(k) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiii) shall not exceed Three Million Dollars (\$3,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(l) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiv) shall not exceed Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be issued under this paragraph until local governments in the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Dollars (\$2,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(m) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xv) shall not exceed Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(n) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvi) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(o) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvii) shall not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No bonds shall be issued under this paragraph after June 30, 2010.

(p) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xviii) shall not exceed Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be issued under this paragraph after June 30, 2016.

(q) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xix) shall not exceed Fifteen Million Dollars (\$15,000,000.00). No bonds shall be issued under this paragraph after June 30, 2012.

(r) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xx) shall not exceed

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Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be issued under this paragraph after the effective date of House Bill No. 1049, 2013 Regular Session.

(s) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxi) shall not exceed Two Hundred Ninety-three Million Nine Hundred Thousand Dollars (\$293,900,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(t) Bonds issued under the authority of this section for Tier One suppliers shall not exceed Thirty Million Dollars (\$30,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(u) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxii) shall not exceed Forty-eight Million Four Hundred Thousand Dollars (\$48,400,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(v) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiii) shall not exceed Eighty-eight Million Two Hundred Fifty Thousand Dollars (\$88,250,000.00). No bonds shall be issued under this paragraph after July 1, 2009.

(w) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiv) shall not exceed Thirteen Million Dollars (\$13,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(x) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxv) shall not exceed Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be issued under this paragraph after July 1, 2017.

(y) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvi) shall not exceed Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00). No bonds shall be issued under this paragraph after July 1, 2021.

(z) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvii) shall not exceed Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued under this paragraph after the effective date of House Bill No. 1049, 2013 Regular Session.

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(aa) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f) (xxviii) shall not exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No bonds shall be issued under this paragraph after July 1, 2023.

(4) (a) The proceeds from the sale of the bonds issued under this section may be applied for the following purposes:

(i) Defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement, relocation and with respect to state-owned property, operation and maintenance of the project and any facility related to the project located within the project area, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of environmental impacts and environmental impact studies;

(ii) Defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity;

(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f) (iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(iv) Providing grants to enterprises operating projects defined in Section 57-75-5(f) (iv)1;

(v) Paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f) (iv)1;

(vi) Defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f) (iv)1, Section 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii). The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of

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the Ways and Means and Appropriations Committees of the House of Representatives;

(vii) Providing for the payment of interest on the bonds;

(viii) Providing debt service reserves;

(ix) Paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds;

(x) For purposes authorized in paragraphs (b), (c), (d), (e) and (f) of this subsection (4);

(xi) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(v), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xii) Providing grant funds or loans to a public agency or an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(ii);

(xiii) Providing grant funds or loans to an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(xiv);

(xiv) Providing grants, loans and payments to or for the benefit of an enterprise owning or operating a project defined in Section 57-75-5(f)(xviii);

(xv) Purchasing equipment for a project defined in Section 57-75-5(f)(viii) subject to such terms and conditions as the authority considers necessary and appropriate;

(xvi) Providing grant funds to an enterprise developing or owning a project defined in Section 57-75-5(f)(xx);

(xvii) Providing grants for projects as authorized in Section 57-75-11(kk), (ll)* * *, (mm) and (uu), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xviii) Providing grants for projects as authorized in Section 57-75-11(pp) for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

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(xix) Providing grants and loans for projects as authorized in Section 57-75-11(qq);

(xx) Providing grants for projects as authorized in Section 57-75-11(rr);

(xxi) Providing grants, loans and payments as authorized in Section 57-75-11(ss); and

(xxii) Providing loans as authorized in Section 57-75-11(tt).

Such bonds shall be issued from time to time and in such principal amounts as shall be designated by the authority, not to exceed in aggregate principal amounts the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

(b) (i) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (b)(i) shall not exceed Three Hundred Thousand Dollars (\$300,000.00) in the aggregate. Reimbursements under this paragraph (b)(i) shall satisfy any applicable federal tax law requirements.

(ii) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and

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regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (b)(ii) shall not exceed One Hundred Thousand Dollars (\$100,000.00) in the aggregate. Reimbursements under this paragraph (b)(ii) shall satisfy any applicable federal tax law requirements.

(c) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(d) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(x) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

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(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(x) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(e) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (e)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (e)(ii) shall satisfy any applicable federal tax law requirements.

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(f) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xiii), (f) (xiv), (f) (xv), (f) (xvi), (f) (xvii), (f) (xviii) and (f) (xx) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (f) (i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xiii), (f) (xiv), (f) (xv), (f) (xvi), (f) (xvii), (f) (xviii) and (f) (xx) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (f) (ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project. Reimbursements under this paragraph (f) (ii) shall satisfy any applicable federal tax law requirements.

(g) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (g) (i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxi) or projects for a Tier One supplier may be used to reimburse reasonable

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actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (g)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (g)(ii) shall satisfy any applicable federal tax law requirements.

(h) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (h)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (h)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (h)(ii) shall satisfy any applicable federal tax law requirements.

(i) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs

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incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (i)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (i)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (i)(ii) shall satisfy any applicable federal tax law requirements.

(j) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (j)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit

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may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (j)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (j)(ii) shall satisfy any applicable federal tax law requirements.

(k) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (k)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (k)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (k)(ii) shall satisfy any applicable federal tax law requirements.

(l) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (l)(i) shall

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not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (1)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (1)(ii) shall satisfy any applicable federal tax law requirements.

(m) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (m)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (m)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in

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the aggregate. Reimbursements under this paragraph (m)(ii) shall satisfy any applicable federal tax law requirements.

(n) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxviii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (n)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxviii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (n)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (n)(ii) shall satisfy any applicable federal tax law requirements.

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration privileges; and be substantially in such form; all as shall be determined by resolution of the State Bond Commission except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from the date thereof and extending not more than twenty-five (25) years from the date thereof. The bonds shall be signed by the Chairman of the State Bond

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Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be imprinted on or affixed thereto, attested by the manual or facsimile signature of the Secretary of the State Bond Commission. Whenever any such bonds have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

(6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The State Bond Commission shall act as issuing agent for the bonds, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds on sealed bids at public sale, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may sell such bonds on sealed bids at public sale for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale shall be made at a price less than par plus accrued interest to date of delivery of the bonds to the purchaser. The bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually; provided that the first interest payment may be for any period of not more than one (1) year.

Notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published

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in one or more newspapers having a general circulation in the City of Jackson selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of this section, may provide that the bonds, at the option of the state, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state. The Legislature shall appropriate annually an amount sufficient to pay the principal of and the interest on such bonds as they become due. All bonds shall contain recitals on their faces substantially covering the foregoing provisions of this section.

(9) The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants payable out of any funds appropriated by the Legislature under this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued under the provisions of this section. The State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(10) The bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the issuance of general obligation bonds under the provisions of this section shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

(11) In anticipation of the issuance of bonds hereunder, the State Bond Commission is authorized to negotiate and enter into any purchase, loan, credit or other agreement with any bank, trust company or other lending institution or to issue and sell interim notes for the purpose of making any payments authorized under this section. All borrowings made under this provision shall be evidenced by notes of the state which shall be issued from time to time, for such amounts

not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes. No note shall mature more than three (3) years following the date of its issuance. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other costs and expenses of issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

(12) The bonds and interim notes authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District* * * of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The necessary papers for such validation proceedings shall be transmitted to the State Bond Attorney, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

(13) Any bonds or interim notes issued under the provisions of this chapter, a transaction relating to the sale or securing of such bonds or interim notes, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

(14) All bonds issued under this chapter shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of the state and all municipalities and other political subdivisions thereof for the purpose of securing the deposit of public funds.

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(15) The Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for, and the Bond Commission is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

(16) There is hereby created a special fund in the State Treasury to be known as the Mississippi Major Economic Impact Authority Fund wherein shall be deposited the proceeds of the bonds issued under this chapter and all monies received by the authority to carry out the purposes of this chapter. Expenditures authorized herein shall be paid by the State Treasurer upon warrants drawn from the fund, and the Department of Finance and Administration shall issue warrants upon requisitions signed by the director of the authority.

(17) (a) There is hereby created the Mississippi Economic Impact Authority Sinking Fund from which the principal of and interest on such bonds shall be paid by appropriation. All monies paid into the sinking fund not appropriated to pay accruing bonds and interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the state.

(b) In the event that all or any part of the bonds and notes are purchased, they shall be cancelled and returned to the loan and transfer agent as cancelled and paid bonds and notes and thereafter all payments of interest thereon shall cease and the cancelled bonds, notes and coupons, together with any other cancelled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the cancelled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to

the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the sinking fund for the payment of the principal of and interest on the bonds and notes.

(d) Any monies repaid to the state from loans authorized in Section 57-75-11(hh) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund unless the State Bond Commission, at the request of the authority, shall determine that such loan repayments are needed to provide additional loans as authorized under Section 57-75-11(hh). For purposes of providing additional loans, there is hereby created the Mississippi Major Economic Impact Authority Revolving Loan Fund and loan repayments shall be deposited into the fund. The fund shall be maintained for such period as determined by the State Bond Commission for the sole purpose of making additional loans as authorized by Section 57-75-11(hh). Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned on amounts in such fund shall be deposited to the credit of the fund.

(e) Any monies repaid to the state from loans authorized in Section 57-75-11(ii) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(f) Any monies repaid to the state from loans authorized in Section 57-75-11(jj) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(18) (a) Upon receipt of a declaration by the authority that it has determined that the state is a potential site for a project, the State Bond Commission is authorized and directed to authorize the State Treasurer to borrow money from any special fund in the State Treasury not otherwise appropriated to be utilized by the authority for the purposes provided for in this subsection.

(b) The proceeds of the money borrowed under this subsection may be utilized by the authority for the purpose of defraying all or a portion of the costs incurred by the authority with respect to acquisition options and planning, design and environmental impact studies with respect to a project defined in Section 57-75-5(f)(xi). The authority may escalate its budget and expend the proceeds of the money borrowed under this subsection in accordance with rules and

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regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

(c) The authority shall request an appropriation or additional authority to issue general obligation bonds to repay the borrowed funds and establish a date for the repayment of the funds so borrowed.

(d) Borrowings made under the provisions of this subsection shall not exceed Five Hundred Thousand Dollars (\$500,000.00) at any one time.

SECTION 5. Section 57-75-33, Mississippi Code of 1972, is amended as follows:

57-75-33. The board of supervisors of a county or the governing authorities of a municipality may each enter into an agreement with an enterprise operating a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi)* * *, Section 57-75-5(f)(xxii) or Section 57-75-5(f)(xxviii), providing that the county or municipality will not levy any taxes, fees or assessments upon the enterprise other than taxes, fees or assessments that are generally levied upon all taxpayers and the board of supervisors or the governing authorities also may each enter into a fee-in-lieu agreement as provided in Section 27-31-104. Such agreements may be for a period not to exceed thirty (30) years.

SECTION 6. Section 57-75-37, Mississippi Code of 1972, is amended as follows:

57-75-37. (1) (a) (i) Any county in which there is to be constructed a project as defined in Section 57-75-5(f)(xviii) is authorized to assist in defraying the costs incurred or to be incurred by the enterprise establishing such project by:

* * * 1. Contributing a sum of up to Five Million Dollars (\$5,000,000.00) to such enterprise for use in connection with the construction of the project; and/or

* * * 2. Lending a sum of up to Five Million Dollars (\$5,000,000.00) upon such terms as the board of supervisors of such county and such enterprise may agree, the proceeds of which loan shall be used by such enterprise in connection with the construction or financing of the project.

(* * * ii) In order to provide the amounts set forth in paragraph (a) (i) of this subsection (1), any such county may appropriate monies from the county's general funds or provide

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such amounts from the proceeds of general obligation bonds, or any combination of the foregoing. Any such county may issue the bonds for such purpose pursuant to the procedures for the issuance of bonds under Chapter 9* * *, Title 19, Mississippi Code of 1972, or Section 19-5-99.

(* * * b) The board of supervisors of any county may donate real property for use in the location, construction and/or operation of a project as defined under Section 57-75-5(f) (xviii) to one or more economic development authorities, economic development districts, industrial development authorities or similar public agencies created pursuant to state law that engage in economic or industrial development in the county, and any such public agencies may accept such donation of real property from the county. Such public agencies also may transfer and convey among themselves, with or without consideration being paid or received, real property to be used in the location, construction and/or operation of such a project, and may accept such transfers or donations.

(* * * 2) Any county or municipality in which there is to be constructed a project as defined in Section 57-75-5(f) (xxvi) or 57-75-5(f) (xxvii) is authorized to:

(a) Acquire the site for such project and contribute the site to the enterprise owning or operating the project;

(b) Apply for grants and loans and utilize the proceeds of such grants and loans for infrastructure related to the project; and

(c) Enter into a lease agreement with the enterprise owning or operating the project for a term not to exceed ninety-nine (99) years.

(3) (a) As used in this subsection:

(i) "Project" shall have the meaning ascribed to such term in Section 57-75-5(f) (xxviii).

(ii) "Public agency" means the county in which the project is located, any municipality located in the county, and/or any economic development authority, economic development district, industrial development authority or similar public agency created pursuant to state law that engages in economic or industrial development in the county or a municipality in the county.

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(b) Any county in which there is to be located a project is authorized to assist as provided in this paragraph in defraying the costs incurred or to be incurred by the enterprise establishing the project and any public agency in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project. The county may provide such assistance by contributing or lending any sum approved for such purpose by the board of supervisors of the county, upon such terms as the board of supervisors may agree, to the entity that directly or indirectly incurs or will incur such costs or as otherwise provided in paragraph (c) of this subsection. The proceeds of the contribution or loan shall be used by the recipient in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project.

(c) In order to provide the amounts set forth in paragraph (b) of this subsection, any such county may appropriate monies from the county's general funds or provide such amounts from the proceeds of general obligation bonds, or any combination of the foregoing. Any such county may issue the bonds for such purpose pursuant to the procedures for the issuance of bonds under Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99. (d) In any county in which there is to be located a project, the governing authorities of any public agency may:

(i) Transfer and convey to the authority or the Mississippi Development Authority, with or without consideration being paid or received, any real and/or personal property for use in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project, and the authority and the Mississippi Development Authority may accept such transfers or donations;

(ii) Transfer and convey among themselves, with or without consideration being paid or received, any real and/or personal property for use in connection with the location, construction and/or operation of a project or any facilities or public infrastructure related to the project, and may accept such transfers or donations; and

(iii) Make grants or other contributions of funds to one another for use in connection with the location, construction

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and/or operation of such a project or any facilities or public infrastructure related to the project, and may accept such grants or contributions of funds.

(e) In any county in which there is to be located a project, the person, entity or other agency seeking to acquire any real property to be used in connection with the location, construction and/or operation of the project, shall be exempt with respect to such property from the requirements of Section 43-37-3(b) and (c) if the purchase price for such property equals the lowest price negotiated between the owner of the property and the person, agency or other entity seeking to acquire the property, and at which the owner of the property is willing to sell the property.

(4) The powers and authority granted in this section are an additional, alternative and supplemental method for the doing of the things authorized by this section and are additional and supplemental to, and not in derogation of, any other powers conferred by law.

SECTION 7. Section 57-99-1, Mississippi Code of 1972, is amended as follows:

57-99-1. As used in Sections 57-99-1 through 57-99-9, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any company and affiliates thereof, pursuant to rules and regulations of the MDA, which is :

(i) A project that has been certified by the Mississippi Major Economic Impact Authority (MMEIA) as a project defined in Section 57-75-5(f)(xxi) and creates at least one thousand five hundred (1,500) jobs within sixty (60) months of the beginning of the project* * *;

(ii) A project that has been certified by the MMEIA as a project defined in Section 57-75-5(f)(xxii) and creates at least five hundred (500) jobs within seventy-two (72) months of the beginning of the project* * *; or

(iii) A project:

1. That has been certified by the MMEIA as a project defined in Section 57-75-5(f)(xxviii);

2. Creates at least twenty-five (25) jobs within sixty (60) months of the beginning of the project; and

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3. In which the average annual wages and taxable benefits of the jobs created by such project are at least one hundred ten percent (110%) of the most recently published average annual wage of the state or the most recently published average annual wage of the county in which the project is located, as determined by the Mississippi Department of Employment Security, whichever is the lesser.

(b) "Qualified job" means full-time employment in this state within the project site of a qualified business or industry that has qualified to receive an incentive payment pursuant to Sections 57-99-1 through 57-99-9, which employment did not exist in this state before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of Sections 57-99-1 through 57-99-9. "Qualified job" also shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment such as employees who are leased to and managed by the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the establishment; provided, however, that in order for a qualified business or industry to receive incentive payments for such employees, the actual employer of the employees must agree to such payments being made to the qualified business or industry.

(c) "Full-time employment" means a job of at least thirty-five (35) hours per week.

(d) "Rebate amount" means the amount of Mississippi income taxes withheld from employees in qualified jobs that is available for rebate to the qualified business or industry, provided that:

(i) Except as otherwise provided in this paragraph (d), the rebate amount shall be three and one-half percent (3-1/2%) of the wages and taxable benefits for qualified jobs; and

(ii) In no event shall incentive payments exceed the actual Mississippi income taxes withheld from employees in qualified jobs that are available for rebate to the qualified business or industry.

(e) "MDA" means the Mississippi Development Authority.

SECTION 8. Section 27-7-30, Mississippi Code of 1972, is amended as follows:

27-7-30. (1) (a) As used in this* * * subsection, "qualified business or industry" means any company and its affiliates, that has been certified by the Major Economic Impact Authority as a project as defined in Section 57-75-5(f) (xxi).

(* * *b) A qualified business or industry shall be exempt from the tax imposed by this chapter on income arising from a project as defined in Section 57-75-5(f) (xxi) only, and all other income shall be subject to the tax imposed by this chapter. The exemption does not apply to activities subject to Mississippi income tax prior to certification of the project.

(* * *c) The income tax exemption authorized by this* * * subsection shall not exceed twenty (20) years. A qualified business or industry must create at least one thousand five hundred (1,500) jobs prior to receiving the exemption authorized by this* * * subsection and may elect the date upon which the twenty-year period will begin; however, the date may not be later than sixty (60) months after the date the qualified business or industry begins commercial production.

(* * *d) In the event that the monthly average number of full-time jobs maintained by the qualified business or industry falls below one thousand five hundred (1,500) jobs, the tax exemption authorized by this* * * subsection shall be reduced as follows:

(* * *i) If the monthly average number of full-time jobs for a taxable year is more than one thousand four hundred (1,400) but less than one thousand five hundred (1,500), the amount of the exemption shall be reduced by one percent (1%) for the taxable year.

(* * *ii) If the monthly average number of full-time jobs for a taxable year is more than one thousand one hundred (1,100) but less than one thousand four hundred one (1,401), then the amount of the exemption shall be reduced by twenty percent (20%) for the taxable year.

(* * *iii) If the monthly average number of full-time jobs for the taxable year is more than eight hundred (800) but less than one thousand one hundred one (1,101), then the amount of the exemption shall be reduced by forty percent (40%) for the taxable year.

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(* * *iv) If the monthly average number of full-time jobs for the taxable year is more than five hundred (500) but less than eight hundred one (801), then the amount of the exemption shall be reduced by sixty percent (60%) for the taxable year.

(* * *v) If the monthly average number of full-time jobs for the taxable year is more than two hundred (200) but less than five hundred one (501), then the amount of the exemption shall be reduced by eighty percent (80%) for the taxable year.

(* * *vi) If the monthly average number of full-time jobs for the taxable year is two hundred (200) or less, the qualified business or industry shall not be eligible for the exemption for the taxable year.

(2) (a) As used in this subsection, "qualified business or industry" means any company and its affiliates, that has been certified by the Major Economic Impact Authority as a project as defined in Section 57-75-5(f) (xxviii).

(b) A qualified business or industry shall be exempt from the tax imposed by this chapter on income arising from a project as defined in Section 57-75-5(f) (xxviii) only, and all other income shall be subject to the tax imposed by this chapter. The exemption does not apply to activities subject to Mississippi income tax prior to certification of the project.

(c) The income tax exemption authorized by this subsection shall not exceed twenty (20) years unless the qualified business or industry creates and maintains for a period of three (3) years not less than one thousand (1,000) jobs, in which case the exemption period shall be extended by five (5) years.

(d) In the event that the annual average number of full-time jobs maintained by the qualified business or industry falls below the qualified business or industry's job commitment for two (2) consecutive years, the tax exemption authorized by this subsection shall be suspended until the first tax year during which the annual average number of full-time jobs maintained by the qualified business or industry reaches the qualified business or industry's job commitment.

(* * *3) A qualified business or industry that utilizes the exemption authorized by this section shall not be eligible for the credits authorized in Sections 57-73-21 through 57-73-29.

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(* * *4) The Mississippi Development Authority may promulgate rules and regulations necessary to administer the provisions of this section.

SECTION 9. Section 27-31-104, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2022, this section shall read as follows:]

27-31-104. (1) County boards of supervisors and municipal authorities are hereby authorized and empowered to grant a fee-in-lieu of taxes, including taxes levied for school purposes, for projects totaling over One Hundred Million Dollars (\$100,000,000.00). In addition to those new enterprises enumerated in Section 27-31-101, Mississippi Code of 1972, the term "projects," as used in this section, shall include:

(a) A private company (as such term is defined in Section 57-61-5, Mississippi Code of 1972) having a minimum capital investment of One Hundred Million Dollars (\$100,000,000.00).

(b) A qualified business (as such term is defined in Section 57-117-3) meeting minimum criteria established by the Mississippi Development Authority.

(2) The fee-in-lieu shall be negotiated by and given final approval by the Mississippi Development Authority.

(3) The minimum sum allowable as a fee-in-lieu shall not be less than one-third (1/3) of the ad valorem levy, including ad valorem taxes for school district purposes, and except as otherwise provided, the sum allowed shall be apportioned between the county or municipality, as appropriate, and the school districts in such amounts as may be determined by the county board of supervisors or municipal governing authority, as the case may be, however, except as otherwise provided in this section, from the sum allowed the apportionment to school districts shall not be less than the school districts' pro rata share based upon the proportion that the millage imposed for the school districts by the appropriate levying authority bears to the millage imposed by such levying authority for all other county or municipal purposes. Except as otherwise provided in Section 57-75-33, the agreement shall be for a term of not more than ten (10) years.

(4) The fee-in-lieu may be a stated fraction or percentage of the ad valorem taxes otherwise payable or a stated dollar amount. If the fee is a fraction or percentage of the ad

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valorem tax levy, it shall be annually computed on all ad valorem taxes otherwise payable, including school taxes, as the same may vary from year to year based upon changes in the millage rate or assessed value and shall not be less than one-third ($1/3$) of that amount. If the fee is a stated dollar amount, said amount shall be the higher of the sum provided for fixed payment or one-third ($1/3$) of the total of all ad valorem taxes otherwise payable as annually determined during each year of the fee-in-lieu.

(5) For a project as defined in Section 57-75-5(f)(xxi) and located in a county that is a member of a regional economic development alliance created under Section 57-64-1 et seq., the members of the regional economic development alliance may divide the sum allowed as a fee-in-lieu in a manner as determined by the alliance agreement, and the boards of supervisors of the member counties may then apportion the sum allowed between school district purposes and all other county purposes.

(6) For a project as defined in Section 57-75-5(f)(xxvi), the board of supervisors of the county in which the project is located may negotiate with the school district in which the project is located and apportion to the school district an amount of the fee-in-lieu that is agreed upon in the negotiations different than the amount provided for in subsection (3) of this section.

(7) For a project as defined in Section 57-75-5(f)(xxviii), the annual amount of the fee-in-lieu apportioned to the county shall not be less than the amount necessary to pay the debt service on bonds issued by the county pursuant to Section 57-75-37(3)(c).

[From and after July 1, 2022, this section shall read as follows:]

27-31-104. (1) County boards of supervisors and municipal authorities are hereby authorized and empowered to grant a fee-in-lieu of taxes, including taxes levied for school purposes, for projects totaling over One Hundred Million Dollars (\$100,000,000.00). In addition to those new enterprises enumerated in Section 27-31-101, Mississippi Code of 1972, the term "projects," as used in this section, shall include a private company (as such term is defined in Section 57-61-5, Mississippi Code of 1972) having a minimum capital investment of One Hundred Million Dollars (\$100,000,000.00).

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(2) The fee-in-lieu shall be negotiated by and given final approval by the Mississippi Development Authority.

(3) The minimum sum allowable as a fee-in-lieu shall not be less than one-third ($1/3$) of the ad valorem levy, including ad valorem taxes for school district purposes, and except as otherwise provided, the sum allowed shall be apportioned between the county or municipality, as appropriate, and the school districts in such amounts as may be determined by the county board of supervisors or municipal governing authority, as the case may be, however, except as otherwise provided in this section, from the sum allowed the apportionment to school districts shall not be less than the school districts' pro rata share based upon the proportion that the millage imposed for the school districts by the appropriate levying authority bears to the millage imposed by such levying authority for all other county or municipal purposes. Except as otherwise provided in Section 57-75-33, the agreement shall be for a term of not more than ten (10) years.

(4) The fee-in-lieu may be a stated fraction or percentage of the ad valorem taxes otherwise payable or a stated dollar amount. If the fee is a fraction or percentage of the ad valorem tax levy, it shall be annually computed on all ad valorem taxes otherwise payable, including school taxes, as the same may vary from year to year based upon changes in the millage rate or assessed value and shall not be less than one-third ($1/3$) of that amount. If the fee is a stated dollar amount, said amount shall be the higher of the sum provided for fixed payment or one-third ($1/3$) of the total of all ad valorem taxes otherwise payable as annually determined during each year of the fee-in-lieu.

(5) For a project as defined in Section 57-75-5(f)(xxi) and located in a county that is a member of a regional economic development alliance created under Section 57-64-1 et seq., the members of the regional economic development alliance may divide the sum allowed as a fee-in-lieu in a manner as determined by the alliance agreement, and the boards of supervisors of the member counties may then apportion the sum allowed between school district purposes and all other county purposes.

(6) For a project as defined in Section 57-75-5(f)(xxvi), the board of supervisors of the county in which the project is located may negotiate with the school district in which

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the project is located and apportion to the school district an amount of the fee-in-lieu that is agreed upon in the negotiations different than the amount provided for in subsection (3) of this section.

(7) For a project as defined in Section 57-75-5(f) (xxviii), the annual amount of the fee-in-lieu apportioned to the county shall not be less than the amount necessary to pay the annual debt service on bonds issued by the county pursuant to Section 57-75-37(3) (c).

SECTION 10. Section 27-65-101, Mississippi Code of 1972, as amended by Senate Bill No. 2829, 2013 Regular Session and House Bill No. 591, 2013 Regular Session, is amended as follows:

27-65-101. (1) The exemptions from the provisions of this chapter which are of an industrial nature or which are more properly classified as industrial exemptions than any other exemption classification of this chapter shall be confined to those persons or property exempted by this section or by the provisions of the Constitution of the United States or the State of Mississippi. No industrial exemption as now provided by any other section except Section 57-3-33 shall be valid as against the tax herein levied. Any subsequent industrial exemption from the tax levied hereunder shall be provided by amendment to this section. No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21.

The tax levied by this chapter shall not apply to the following:

(a) Sales of boxes, crates, cartons, cans, bottles and other packaging materials to manufacturers and wholesalers for use as containers or shipping materials to accompany goods sold by said manufacturers or wholesalers where possession thereof will pass to the customer at the time of sale of the goods contained therein and sales to anyone of containers or shipping materials for use in ships engaged in international commerce.

(b) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) to a manufacturer for use directly in manufacturing or processing a product for sale or rental or repairing or reconditioning vessels or barges of fifty

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(50) tons load displacement and over. For the purposes of this exemption, electricity used directly in the electrolysis process in the production of sodium chlorate shall be considered a raw material. This exemption shall not apply to any property used as fuel except to the extent that such fuel comprises by-products which have no market value.

(c) The gross proceeds of sales of dry docks, offshore drilling equipment for use in oil exploitation or production, vessels or barges of fifty (50) tons load displacement and over, when sold by the manufacturer or builder thereof.

(d) Sales to commercial fishermen of commercial fishing boats of over five (5) tons load displacement and not more than fifty (50) tons load displacement as registered with the United States Coast Guard and licensed by the Mississippi Commission on Marine Resources.

(e) The gross income from repairs to vessels and barges engaged in foreign trade or interstate transportation.

(f) Sales of petroleum products to vessels or barges for consumption in marine international commerce or interstate transportation businesses.

(g) Sales and rentals of rail rolling stock (and component parts thereof) for ultimate use in interstate commerce and gross income from services with respect to manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof).

(h) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) used or consumed directly in manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof). This exemption shall not apply to any property used as fuel.

(i) Sales of machinery or tools or repair parts therefor or replacements thereof, fuel or supplies used directly in manufacturing, converting or repairing ships, vessels or barges of three thousand (3,000) tons load displacement and over, but not to include office and plant supplies or other equipment not directly used on the ship, vessel or barge being built, converted or repaired. For purposes of this exemption, "ships, vessels or barges" shall not include floating structures described in Section 27-65-18.

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(j) Sales of tangible personal property to persons operating ships in international commerce for use or consumption on board such ships. This exemption shall be limited to cases in which procedures satisfactory to the commissioner, ensuring against use in this state other than on such ships, are established.

(k) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-51-5, which are located in a county or portion thereof designated as an enterprise zone pursuant to Sections 57-51-1 through 57-51-15.

(l) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-54-5.

(m) Income from storage and handling of perishable goods by a public storage warehouse.

(n) The value of natural gas lawfully injected into the earth for cycling, repressuring or lifting of oil, or lawfully vented or flared in connection with the production of oil; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt.

(o) The gross collections from self-service commercial laundering, drying, cleaning and pressing equipment.

(p) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified companies, certified as such by the Mississippi Development Authority under Section 57-53-1.

(q) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent

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foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Three areas (as such term is defined in Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph (q).

(r) (i) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi and creating a minimum of twenty (20) jobs at the new headquarters in this state. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this subparagraph (i).

(ii) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company expanding or making additions after January 1, 2013, to its national or regional headquarters within the State of Mississippi and creating a minimum of twenty (20) new jobs at the headquarters as a result of the expansion or additions. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this subparagraph (ii).

(s) The gross proceeds from the sale of semitrailers, trailers, boats, travel trailers, motorcycles and all-terrain cycles if exported from this state within forty-eight (48) hours and registered and first used in another state.

(t) Gross income from the storage and handling of natural gas in underground salt domes and in other underground reservoirs, caverns, structures and formations suitable for such storage.

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(u) Sales of machinery and equipment to nonprofit organizations if the organization:

(i) Is tax exempt pursuant to Section 501(c)(4) of the Internal Revenue Code of 1986, as amended;

(ii) Assists in the implementation of the contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; and

(iii) Engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal and tidal waters.

For purposes of this exemption, "machinery and equipment" means any ocean-going vessels, barges, booms, skimmers and other capital equipment used primarily in the operations of nonprofit organizations referred to herein.

(v) Sales or leases of materials and equipment to approved business enterprises as provided under the Growth and Prosperity Act.

(w) From and after July 1, 2001, sales of pollution control equipment to manufacturers or custom processors for industrial use. For the purposes of this exemption, "pollution control equipment" means equipment, devices, machinery or systems used or acquired to prevent, control, monitor or reduce air, water or groundwater pollution, or solid or hazardous waste as required by federal or state law or regulation.

(x) Sales or leases to a manufacturer of motor vehicles or powertrain components operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacture of motor vehicles or motor vehicle parts or used to provide climate control for manufacturing areas.

(y) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise operating

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a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi)* * *, Section 57-75-5(f)(xxii) or Section 57-75-5(f)(xxviii) and any other sales or leases required to establish or operate such project.

(z) Sales of component materials and equipment to a business enterprise as provided under Section 57-64-33.

(aa) The gross income from the stripping and painting of commercial aircraft engaged in foreign or interstate transportation business.

(bb) [Repealed]

(cc) Sales or leases to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacturing/production operations of the project or used to provide climate control for manufacturing/production areas.

(dd) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) and any other sales or leases required to establish or operate such project.

(ee) Sales of parts used in the repair and servicing of aircraft not registered in Mississippi engaged exclusively in the business of foreign or interstate transportation to businesses engaged in aircraft repair and maintenance.

(ff) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Three areas (as such areas are designated

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in accordance with Section 57-73-21), meeting minimum criteria established by the Mississippi Development Authority.

(gg) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the facility or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), as certified by the Department of Revenue. For purposes of this paragraph, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(hh) Sales of component materials used in the replacement, reconstruction or repair of a building or facility that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises or companies that were eligible for the exemptions authorized in paragraph (q), (r), (ff) or (gg) of this subsection during initial construction of the building that was destroyed or damaged, which enterprises or companies are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph.

(ii) Sales of software or software services transmitted by the Internet to a destination outside the State of Mississippi where the first use of such software or software services by the purchaser occurs outside the State of Mississippi.

(jj) Gross income of public storage warehouses derived from the temporary storage of raw materials that are to be used in an eligible facility as defined in Section 27-7-22.35.

(kk) Sales of component building materials and equipment for initial construction of facilities or expansion of facilities as authorized under Sections 57-113-1 through 57-113-7 and Sections 57-113-21 through 57-113-27.

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(ll) Sales and leases of machinery and equipment acquired in the initial construction to establish facilities as authorized in Sections 57-113-1 through 57-113-7.

(mm) Sales and leases of replacement hardware, software or other necessary technology to operate a data center as authorized under Sections 57-113-21 through 57-113-27.

(nn) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of the construction of the facility, to be used in the facility, to permanent business enterprises operating a facility producing renewable crude oil from biomass harvested or produced, in whole or in part, in Mississippi, which businesses meet minimum criteria established by the Mississippi Development Authority. As used in this paragraph, the term "biomass" shall have the meaning ascribed to such term in Section 57-113-1.

(oo) Sales of supplies, equipment and other personal property to an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and is the host organization coordinating a professional golf tournament played or to be played in this state and the supplies, equipment or other personal property will be used for purposes related to the golf tournament and related activities.

(pp) Sales of materials used in the construction of a health care industry facility, as defined in Section 57-117-3, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-117-3. This paragraph shall be repealed from and after July 1, 2022.

(qq) Sales or leases to a manufacturer of automotive parts operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xxviii) of machinery and equipment; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal, nitrogen and natural gas used directly in the manufacture of automotive parts or used to provide climate control for manufacturing areas.

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(2) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(3) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses meet minimum criteria established by the Mississippi Development Authority, shall be exempt from one-half (1/2) of the taxes imposed on such transaction under this chapter.

(4) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter. For purposes of this subsection, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

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(5) (a) For purposes of this subsection:

(i) "Telecommunications enterprises" shall have the meaning ascribed to such term in Section 57-73-21;

(ii) "Tier One areas" mean counties designated as Tier One areas pursuant to Section 57-73-21;

(iii) "Tier Two areas" mean counties designated as Tier Two areas pursuant to Section 57-73-21;

(iv) "Tier Three areas" mean counties designated as Tier Three areas pursuant to Section 57-73-21; and

(v) "Equipment used in the deployment of broadband technologies" means any equipment capable of being used for or in connection with the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four (384) kilobits per second in at least one (1) direction, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

(b) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, 2020, that is installed in Tier One areas and used in the deployment of broadband technologies shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(c) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, 2020, that is installed in Tier Two and Tier Three areas and used in the deployment of broadband technologies shall be exempt from the taxes imposed on such transactions under this chapter.

(6) Sales of component materials used in the replacement, reconstruction or repair of a building that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises that were eligible for the partial exemptions provided for in subsections (2), (3) and (4) of this section during initial

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construction of the building that was destroyed or damaged, which enterprises are certified by the Department of Revenue as being eligible for the partial exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

SECTION 11. Section 31-19-25, Mississippi Code of 1972, is amended as follows:

31-19-25. All bonds issued pursuant to any laws of this state and hereafter sold by the governing authority of or on behalf of any county, road district, school district, drainage district or other political subdivision or instrumentality of this state shall be advertised for sale on sealed bids or at public auction. Such advertisement shall be published at least two (2) times in a newspaper published in the county in which the political subdivision or instrumentality is situated, and if no newspaper is published in such county, then in a newspaper published in an adjoining county; with respect to a political subdivision or instrumentality which is composed of more than one (1) county, such advertisement shall be published at least two (2) times in a newspaper having a general circulation in each county all or a portion of which is part of the political subdivision or instrumentality. The first publication in each case shall be made at least ten (10) days preceding the date fixed for the reception of bids, and such notice shall give the time and place of sale.

The governing authority may reject any and all bids, whether so stated in the notice of sale or not. If the bonds are not sold pursuant to such advertisement, they may be sold by the governing authority by private sale at any time within sixty (60) days after the date advertised for the reception of bids; but no such private sale shall be made at a price less than the highest bid which shall have been received pursuant to such advertisement. If not so sold at private sale, said bonds shall be readvertised in the manner herein prescribed.

Every bid for the purchase of any of such bonds shall be accompanied by a cashier's check, certified check or exchange, payable to the proper governing authority, issued or certified by a bank located in this state in the amount of not less than two percent (2%) of the par value of the bonds offered for sale, as a guaranty that the bidder will carry out his contract and purchase the bonds if the bid is accepted. If the successful bidder fails to purchase the bonds pursuant to his

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bid and contract, the amount of such good faith check shall be retained by the governing authority and covered into the proper fund as liquidated damages for such failure.

This section shall not apply to the sale of bonds by the State of Mississippi through the State Bond Commission or the sale of bonds by a county in connection with a project as defined under Section 57-75-5(f) (xxviii).

A failure to comply with any provision of this section shall not invalidate such bonds, but any member of the governing board, commission or other governing authority who shall* * * willfully violate any of said provisions and shall* * * willfully fail to give the notices herein required shall be liable personally and on his official bond for a penalty in each case of Five Hundred Dollars (\$500.00) and, in addition thereto, for all financial loss that may result to the county, municipality, road district, school district, drainage district or other political subdivision or instrumentality of the state or county resulting from such* * * willful failure to comply herewith. Such penalty and damages may be recovered by suit of the Attorney General, a district attorney or of any citizen of such county or other political subdivision in any court of competent jurisdiction, for the use and benefit of the county or other such political subdivision or instrumentality.

SECTION 12. Section 43-37-3, Mississippi Code of 1972, is amended as follows:

43-37-3. (1) Any person, agency or other entity acquiring real property for any project or program in which public funds are used shall comply with the following policies:

(a) Every reasonable effort shall be made to acquire expeditiously real property by negotiation.

(b) Real property shall be appraised before the initiation of negotiations, except that the acquiring person, agency or other entity may adopt a procedure in compliance with federal regulations to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value. For the purposes of this chapter, property with a low fair market value is property with a fair market value of Ten Thousand Dollars (\$10,000.00) or less. The owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

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(c) (i) Except as otherwise provided in subparagraph (ii) of this paragraph, the price that shall be paid for real property shall be the lesser of the best negotiated price or the approved appraisal of the fair market value or the price at which the property is offered for sale. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which the property is acquired or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The owner of the real property to be acquired shall be provided with a written statement of, and summary of the basis for, the amount established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

(ii) The purchase price for real property may exceed the amount offered as just compensation for the property when reasonable efforts to negotiate an agreement at that amount have failed, and the person, agency or other entity seeking to acquire the property approves an administrative settlement as reasonable, prudent and in the best interests of the public. When state funds pay for all or a portion of the acquisition, the purchasing person, agency or other entity shall prepare a written statement explaining the reasons that justified the purchase price exceeding the amount offered as just compensation, including any anticipated trial risks, and any available information supporting an administrative settlement.

(d) No owner shall be required to surrender possession of real property before the agreed purchase price is paid or there is deposited with the state court, in accordance with applicable law, for the benefit of the owner an amount not less than the approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding of such property.

(e) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling will be available) or to move his business or farm

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operation without at least ninety (90) days' written notice from the date by which such move is required.

(f) If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the acquiring authority on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(g) In no event shall the time of condemnation be advanced, or negotiations or condemnation and the deposit of funds in court for the use of the owner be deferred, or any other coercive action be taken to compel an agreement on the price to be paid for the property.

(h) If an interest in real property is to be acquired by exercise of power of eminent domain, formal condemnation proceedings shall be instituted. The acquiring authority shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(i) If the acquisition of only part of the property would leave its owner with an uneconomic remnant, an offer to acquire that remnant shall be made. For the purposes of this chapter, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the person, agency or other entity acquiring the property determines has little or no value or utility to the owner.

(j) A person whose real property is being acquired in accordance with this chapter may, after the person has been fully informed of his right to receive just compensation for such property, donate such property, any part thereof, any interest therein or any compensation paid therefor to the person, agency or other entity acquiring the property in such manner as he so determines.

(2) Any real property acquired by any person, agency or other entity using public funds in accordance with Section 57-75-37(3) shall be exempt from the provisions of subsection (1)(b) and (c) of this section to the extent permitted by Section 57-75-37(3).

SECTION 13. Section 21-1-59, Mississippi Code of 1972, is amended as follows:

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21-1-59. (1) No municipality shall be created or shall change its boundaries so as to include within the limits of such municipality any of the buildings or grounds of any state institution, unless consent thereto shall be obtained in writing from the board of trustees of such institution or such other governing board or body as may be created for the control of such institution. Inclusion of the buildings or grounds of any state institution within the area of a municipal incorporation or expansion without the consent hereinabove required shall be voidable at the option of the affected institution within six (6) months after the institution becomes aware of the inclusion. Upon consent to inclusion within the area of a municipal incorporation or expansion, a state institution may require, subject to agreement of the municipality involved, conditions relating to land use development, zoning requirements, building codes and delivery of governmental services which shall be applicable to the buildings or grounds of the institution included in the municipality.

Provided further, that any future changes in the boundaries of a presently existing municipality which extends into or further extends into a county other than the county in which the municipality's principal office is located shall not affect the public school district located in the annexed area, unless and until consent thereto shall have first been obtained in writing from the board of trustees of the school district proposed to be partially or wholly included in the change of municipal boundaries.

Provided further, that any change in the boundaries of a presently existing municipality of any Class 1 county having two (2) judicial districts, being traversed by U.S. Highway 11 which intersects U.S. Highway 84, shall not affect the public school district located in the annexed area and shall not change the governmental unit to which the school taxes are paid, unless approved by referendum as hereinafter provided.

In the event that twenty percent (20%) of the registered voters residing within the area to be annexed by a municipality petition the governing body of such municipality for a referendum on the question of inclusion in the municipal school district within sixty (60) days of public notice of the adoption of such ordinance, such notice given in the same manner and for the same length of time as is provided

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in Section 21-1-15 with regard to the creation of municipal corporations, the governing body of the county in which the area to be annexed is located shall hold a referendum of all registered voters residing within the area to be annexed on the question of inclusion in the municipal school district. Approval of the ordinance shall be made by a majority vote of the qualified electors voting in said referendum to be held within ninety (90) days from the date of filing and certification of the petition provided for herein on the question of such extension or contraction. The referendum shall be held in the same manner as are other county elections.

. The inclusion of buildings or grounds of any state institution within the area of a municipal incorporation or expansion in any proceedings creating a municipality or enlarging the boundaries of a municipality prior to the effective date of Senate Bill 2307, 1987 Regular Session (Chapter 359, eff March 18, 1987), is hereby ratified, confirmed and validated, regardless of whether such inclusion was in conformity with the requirements of this section at the time of such proceedings, and such inclusion shall not be void or voidable by any affected state institution on or after the effective date of Senate Bill 2307, 1987 Regular Session (Chapter 359, eff March 18, 1987). This paragraph shall not be applicable to and shall not be construed to validate the inclusion of buildings or grounds of any state institution within the area of a municipal incorporation or expansion where such inclusion or the proceedings involving such inclusion were declared invalid or void in a final adjudication of a court of competent jurisdiction prior to the effective date of Senate Bill 2307, 1987 Regular Session (Chapter 359, eff March 18, 1987), and the decision of such court was not appealed within the applicable time period for appeals from such court or was not overturned by any court to which an appeal may have been made.

(2) The governing authorities of a municipality may enter into an agreement with an enterprise operating a project as defined in Section 57-75-5(f)(iv)1* * *, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxviii) providing that the municipality shall not change its boundaries so as to include within the limits of such municipality the project site of such a project unless consent thereto shall be obtained in writing from the enterprise operating the project. Such agreement may be for a period not to exceed thirty (30) years. Such

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agreement shall be binding on future governing authorities of such municipality.

SECTION 14. Section 27-31-1, Mississippi Code of 1972, is amended as follows:

27-31-1. The following shall be exempt from taxation:

(a) All cemeteries used exclusively for burial purposes.

(b) All property, real or personal, belonging to the State of Mississippi or any of its political subdivisions, except property of a municipality not being used for a proper municipal purpose and located outside the county or counties in which such municipality is located. A proper municipal purpose within the meaning of this section shall be any authorized governmental or corporate function of a municipality.

(c) All property, real or personal, owned by units of the Mississippi National Guard, or title to which is vested in trustees for the benefit of any unit of the Mississippi National Guard; provided such property is used exclusively for such unit, or for public purposes, and not for profit.

(d) All property, real or personal, belonging to any religious society, or ecclesiastical body, or any congregation thereof, or to any charitable society, or to any historical or patriotic association or society, or to any garden or pilgrimage club or association and used exclusively for such society or association and not for profit; not exceeding, however, the amount of land which such association or society may own as provided in Section 79-11-33. All property, real or personal, belonging to any rural waterworks system or rural sewage disposal system incorporated under the provisions of Section 79-11-1. All property, real or personal, belonging to any college or institution for the education of youths, used directly and exclusively for such purposes, provided that no such college or institution for the education of youths shall have exempt from taxation more than six hundred forty (640) acres of land; provided, however, this exemption shall not apply to commercial schools and colleges or trade institutions or schools where the profits of same inure to individuals, associations or corporations. All property, real or personal, belonging to an individual, institution or corporation and used for the operation of a grammar school, junior high school, high school or military school. All property, real or personal, owned and occupied by a fraternal and benevolent

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organization, when used by such organization, and from which no rentals or other profits accrue to the organization, but any part rented or from which revenue is received shall be taxed.

(e) All property, real or personal, held and occupied by trustees of public schools, and school lands of the respective townships for the use of public schools, and all property kept in storage for the convenience and benefit of the State of Mississippi in warehouses owned or leased by the State of Mississippi, wherein said property is to be sold by the Alcoholic Beverage Control Division of the* * * Department of Revenue of the State of Mississippi.

(f) All property, real or personal, whether belonging to religious or charitable or benevolent organizations, which is used for hospital purposes, and nurses' homes where a part thereof, and which maintain one or more charity wards that are for charity patients, and where all the income from said hospitals and nurses' homes is used entirely for the purposes thereof and no part of the same for profit.

(g) The wearing apparel of every person; and also jewelry and watches kept by the owner for personal use to the extent of One Hundred Dollars (\$100.00) in value for each owner.

(h) Provisions on hand for family consumption.

(i) All farm products grown in this state for a period of two (2) years after they are harvested, when in the possession of or the title to which is in the producer, except the tax of one-fifth of one percent ($1/5$ of 1%) per pound on lint cotton now levied by the Board of Commissioners of the Mississippi Levee District; and lint cotton for five (5) years, and cottonseed, soybeans, oats, rice and wheat for one (1) year regardless of ownership.

(j) All guns and pistols kept by the owner for private use.

(k) All poultry in the hands of the producer.

(l) Household furniture, including all articles kept in the home by the owner for his own personal or family use; but this shall not apply to hotels, rooming houses or rented or leased apartments.

(m) All cattle and oxen.

(n) All sheep, goats and hogs.

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(o) All horses, mules and asses.

(p) Farming tools, implements and machinery, when used exclusively in the cultivation or harvesting of crops or timber.

(q) All property of agricultural and mechanical associations and fairs used for promoting their objects, and where no part of the proceeds is used for profit.

(r) The libraries of all persons.

(s) All pictures and works of art, not kept for or offered for sale as merchandise.

(t) The tools of any mechanic necessary for carrying on his trade.

(u) All state, county, municipal, levee, drainage and all school bonds or other governmental obligations, and all bonds and/or evidences of debts issued by any church or church organization in this state, and all notes and evidences of indebtedness which bear a rate of interest not greater than the maximum rate per annum applicable under the law; and all money loaned at a rate of interest not exceeding the maximum rate per annum applicable under the law; and all stock in or bonds of foreign corporations or associations shall be exempt from all ad valorem taxes.

(v) All lands and other property situated or located between the Mississippi River and the levee shall be exempt from the payment of any and all road taxes levied or assessed under any road laws of this state.

(w) Any and all money on deposit in either national banks, state banks or trust companies, on open account, savings account or time deposit.

(x) All wagons, carts, drays, carriages and other horse-drawn vehicles, kept for the use of the owner.

(y) (i) Boats, seines and fishing equipment used in fishing and shrimping operations and in the taking or catching of oysters.

(ii) All towboats, tugboats and barges documented under the laws of the United States, except watercraft of every kind and character used in connection with gaming operations.

(z) All materials used in the construction and/or conversion of vessels in this state; vessels while under

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construction and/or conversion; vessels while in the possession of the manufacturer, builder or converter, for a period of twelve (12) months after completion of construction and/or conversion, and as used herein the term "vessel" shall include ships, offshore drilling equipment, dry docks, boats and barges, except watercraft of every kind and character used in connection with gaming operations.

(aa) Sixty-six and two-thirds percent (66-2/3%) of nuclear fuel and reprocessed, recycled or residual nuclear fuel by-products, fissionable or otherwise, used or to be used in generation of electricity by persons defined as public utilities in Section 77-3-3.

(bb) All growing nursery stock.

(cc) A semitrailer used in interstate commerce.

(dd) All property, real or personal, used exclusively for the housing of and provision of services to elderly persons, disabled persons, mentally impaired persons or as a nursing home, which is owned, operated and managed by a not-for-profit corporation, qualified under Section 501(c)(3) of the Internal Revenue Code, whose membership or governing body is appointed or confirmed by a religious society or ecclesiastical body or any congregation thereof.

(ee) All vessels while in the hands of bona fide dealers as merchandise and which are not being operated upon the waters of this state shall be exempt from ad valorem taxes. As used in this paragraph, the terms "vessel" and "waters of this state" shall have the meaning ascribed to such terms in Section 59-21-3.

(ff) All property, real or personal, owned by a nonprofit organization that: (i) is qualified as tax exempt under Section 501(c)(4) of the Internal Revenue Code of 1986, as amended; (ii) assists in the implementation of the national contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; (iii) engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal or tidal waters; and (iv) is used for the purposes of the organization.

(gg) If a municipality changes its boundaries so as to include within the boundaries of such municipality the

project site of any project as defined in Section 57-75-5(f) (iv)1* * *, Section 57-75-5(f) (xxi) or 57-75-5(f) (xxviii), all real and personal property located on the project site within the boundaries of such municipality that is owned by a business enterprise operating such project, shall be exempt from ad valorem taxation for a period of time not to exceed thirty (30) years upon receiving approval for such exemption by the Mississippi Major Economic Impact Authority. The provisions of this paragraph shall not be construed to authorize a breach of any agreement entered into pursuant to Section 21-1-59.

(hh) All leases, lease contracts or lease agreements (including, but not limited to, subleases, sublease contracts and sublease agreements), and leaseholds or leasehold interests (including, but not limited to, subleaseholds and subleasehold interests), of or with respect to any and all property (real, personal or mixed) constituting all or any part of a facility for the manufacture, production, generation, transmission and/or distribution of electricity, and any real property related thereto, shall be exempt from ad valorem taxation during the period as the United States is both the title owner of the property and a sublessee of or with respect to the property; however, the exemption authorized by this paragraph (hh) shall not apply to any entity to whom the United States sub-subleases its interest in the property nor to any entity to whom the United States assigns its sublease interest in the property. As used in this paragraph, the term "United States" includes an agency or instrumentality of the United States of America. This paragraph (hh) shall apply to all assessments for ad valorem taxation for the 2003 calendar year and each calendar year thereafter.

(ii) All property, real, personal or mixed, including fixtures and leaseholds, used by Mississippi nonprofit entities qualified, on or before January 1, 2005, under Section 501(c) (3) of the Internal Revenue Code to provide support and operate technology incubators for research and development start-up companies, telecommunication start-up companies and/or other technology start-up companies, utilizing technology spun-off from research and development activities of the public colleges and universities of this state, State of Mississippi governmental research or development activities resulting therefrom located within the State of Mississippi.

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(jj) All property, real, personal or mixed, including fixtures and leaseholds, of start-up companies (as described in paragraph (ii) of this section) for the period of time, not to exceed five (5) years, that the start-up company remains a tenant of a technology incubator (as described in paragraph (ii) of this section).

(kk) All leases, lease contracts or lease agreements (including, but not limited to, subleases, sublease contracts and sublease agreements), and leaseholds or leasehold interests, of or with respect to any and all property (real, personal or mixed) constituting all or any part of an auxiliary facility, and any real property related thereto, constructed or renovated pursuant to Section 37-101-41, Mississippi Code of 1972.

SECTION 15. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 28

Description: Crimes; revise attempt.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 510

History of Actions:

1	01/11	(H)	Referred To Judiciary A
2	01/28	(H)	Title Suff Do Pass
3	01/30	(H)	Passed {Vote}
4	01/31	(H)	Transmitted To Senate
5	02/11	(S)	Referred To Judiciary, Division A
6	02/21	(S)	Title Suff Do Pass As Amended
7	03/11	(S)	Amended
8	03/11	(S)	Passed As Amended {Vote}
9	03/13	(S)	Returned For Concurrence
10	03/15	(H)	Decline to Concur/Invite Conf
11	03/26	(H)	Conferees Named Baker, Denny, Lamar
12	03/29	(S)	Conferees Named Hopson, Longwitz, Simmons
(12th)			
13	04/01	(H)	Conference Report Filed
14	04/01	(S)	Conference Report Filed
15	04/02	(S)	Conference Report Adopted {Vote}
16	04/02	(H)	Conference Report Adopted {Vote}
17	04/08	(H)	Enrolled Bill Signed
18	04/08	(S)	Enrolled Bill Signed
19	04/23		Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 28

Conference Reports:

| Conference Report

Code Section: A 097-0001-0007

----- **Additional Information** -----

House Committee: Judiciary A

Senate Committee: Judiciary, Division A

Principal Author: Denny

Additional Authors: Upshaw, Dixon

Title: AN ACT TO AMEND SECTION 97-1-7, MISSISSIPPI CODE OF 1972, TO REVISE ATTEMPT TO COMMIT A CRIMINAL OFFENSE; TO CREATE THE OFFENSE OF ATTEMPTED MURDER; AND FOR RELATED PURPOSES.

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MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary A

By: Representatives Denny, Upshaw, Dixon

House Bill 28

(As Sent to Governor)

AN ACT TO AMEND SECTION 97-1-7, MISSISSIPPI CODE OF 1972, TO REVISE ATTEMPT TO COMMIT A CRIMINAL OFFENSE; TO CREATE THE OFFENSE OF ATTEMPTED MURDER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-1-7, Mississippi Code of 1972, is amended as follows:

97-1-7. (1) Every person who shall design and endeavor to commit an offense, and shall do any overt act toward the commission thereof, but shall fail therein, or shall be prevented from committing the same, on conviction thereof, shall, where no other specific provision is made by law for the punishment of* * * the attempt, be punished* * * by imprisonment and fine for a period* * * and for an amount not greater than is prescribed for the actual commission of the offense so attempted.

(2) Every person who shall design and endeavor to commit an act which, if accomplished, would constitute an offense of murder under Section 97-3-19, but shall fail therein, or shall be prevented from committing the same, shall be guilty of attempted murder and, upon conviction, shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict after a separate sentencing proceeding. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than twenty (20) years in the custody of the Department of Corrections.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 74

Description: Student attendance; allow excused absence for those participating in 4-H & FFA sponsored events not to exceed five per academic year.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 562

History of Actions:

1	01/11	(H)	Referred To Education
2	01/28	(H)	Title Suff Do Pass As Amended
3	02/06	(H)	Amended
4	02/06	(H)	Passed As Amended {Vote}
5	02/11	(H)	Transmitted To Senate
6	02/13	(S)	Referred To Education
7	03/05	(S)	Title Suff Do Pass As Amended
8	03/12	(S)	Amended
9	03/12	(S)	Passed As Amended {Vote}
10	03/13	(S)	Returned For Concurrence
11	03/18	(H)	Decline to Concur/Invite Conf
12	03/25	(H)	Conferees Named Moore,Holloway,Clarke
13	03/25	(S)	Conferees Named Tollison,Collins,Jolly
14	04/01	(S)	Conference Report Filed
15	04/01	(H)	Conference Report Filed
16	04/02	(H)	Conference Report Adopted {Vote}
17	04/02	(S)	Conference Report Adopted {Vote}
18	04/08	(H)	Enrolled Bill Signed
19	04/08	(S)	Enrolled Bill Signed
20	04/25		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote

[H] Amendment No 2 ***Adopted*** Voice Vote

[H] Amendment No 3Lost {Vote}

[S] Committee Amendment No 1 *Adopted* Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 Not Germane
Amendment Report for House Bill No. 74

Conference Reports:

| Conference Report

Code Section: A 037-0013-0091, A 037-0041-0027

----- **Additional Information** -----

House Committee: Education

Senate Committee: Education

Principal Author: Holland

Additional Authors: Scott

Title: AN ACT TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO ALLOW NOT MORE THAN 5 EXCUSED ABSENCES TO A COMPULSORY-SCHOOL-AGE CHILD FOR PARTICIPATION IN EVENTS SPONSORED BY THE 4-H OR FUTURE FARMERS OF AMERICA (FFA); TO PROVIDE FOR EXCUSED ABSENCES TO A COMPULSORY-SCHOOL-AGE CHILD FOR SERVICE AS A LEGISLATIVE PAGE WHEN THE LEGISLATURE IS CONVENED IN SESSION; TO PROVIDE THAT CHILDREN AGE 5 ON OR BEFORE SEPTEMBER 1 OF THE CALENDAR YEAR WHO HAVE ENROLLED IN PUBLIC KINDERGARTEN ARE SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; TO AMEND SECTION 37-41-27, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE OF PUBLIC SCHOOL BUSES FOR THE TRANSPORTATION OF CITIZENS TO HISTORIC EVENTS HELD ON MILITARY PARKS LOCATED WITHIN THE SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 74

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education

By: Representatives Holland, Scott

House Bill 74

(As Sent to Governor)

AN ACT TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO ALLOW NOT MORE THAN 5 EXCUSED ABSENCES TO A COMPULSORY-SCHOOL-AGE CHILD FOR PARTICIPATION IN EVENTS SPONSORED BY THE 4-H OR FUTURE FARMERS OF AMERICA (FFA); TO PROVIDE FOR EXCUSED ABSENCES TO A COMPULSORY-SCHOOL-AGE CHILD FOR SERVICE AS A LEGISLATIVE PAGE WHEN THE LEGISLATURE IS CONVENED IN SESSION; TO PROVIDE THAT CHILDREN AGE 5 ON OR BEFORE SEPTEMBER 1 OF THE CALENDAR YEAR WHO HAVE ENROLLED IN PUBLIC KINDERGARTEN ARE SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; TO AMEND SECTION 37-41-27, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE OF PUBLIC SCHOOL BUSES FOR THE TRANSPORTATION OF CITIZENS TO HISTORIC EVENTS HELD ON MILITARY PARKS LOCATED WITHIN THE SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-13-91, Mississippi Code of 1972, is amended as follows:

37-13-91. (1) This section shall be referred to as the "Mississippi Compulsory School Attendance Law."

(2) The following terms as used in this section are defined as follows:

(a) "Parent" means the father or mother to whom a child has been born, or the father or mother by whom a child has been legally adopted.

(b) "Guardian" means a guardian of the person of a child, other than a parent, who is legally appointed by a court of competent jurisdiction.

(c) "Custodian" means any person having the present care or custody of a child, other than a parent or guardian of the child.

(d) "School day" means not less than five (5) and not more than eight (8) hours of actual teaching in which both

2013 GENERAL LAWS OF MISSISSIPPI HB 74

teachers and pupils are in regular attendance for scheduled schoolwork.

(e) "School" means any public school in this state or any nonpublic school in this state which is in session each school year for at least one hundred eighty (180) school days, except that the "nonpublic" school term shall be the number of days that each school shall require for promotion from grade to grade.

(f) "Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program.* * *

(g) "School attendance officer" means a person employed by the State Department of Education pursuant to Section 37-13-89.

(h) "Appropriate school official" means the superintendent of the school district, or his designee, or, in the case of a nonpublic school, the principal or the headmaster.

(i) "Nonpublic school" means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial and home instruction programs.

(3) A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:

(a) When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.

(b) When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education

or education for handicapped or physically or mentally disadvantaged children.

(c) When a compulsory-school-age child is being educated in a legitimate home instruction program.

The parent, guardian or custodian of a compulsory-school-age child described in this subsection, or the parent, guardian or custodian of a compulsory-school-age child attending any nonpublic school, or the appropriate school official for any or all children attending a nonpublic school shall complete a "certificate of enrollment" in order to facilitate the administration of this section.

The form of the certificate of enrollment shall be prepared by the Office of Compulsory School Attendance Enforcement of the State Department of Education and shall be designed to obtain the following information only:

(i) The name, address, telephone number and date of birth of the compulsory-school-age child;

(ii) The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;

(iii) A simple description of the type of education the compulsory-school-age child is receiving and, if the child is enrolled in a nonpublic school, the name and address of the school; and

(iv) The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all compulsory-school-age child or children attending a nonpublic school, the signature of the appropriate school official and the date signed.

The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section. However, in the event the child has been enrolled in a public school within fifteen (15) calendar days after the first day of the school year as required in subsection (6), the parent or custodian may,

at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the certificate of enrollment to the school attendance officer and be in compliance with this subsection.

For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

(4) An "unlawful absence" is an absence during a school day by a compulsory-school-age child, which absence is not due to a valid excuse for temporary nonattendance. Days missed from school due to disciplinary suspension shall not be considered an "excused" absence under this section. This subsection shall not apply to children enrolled in a nonpublic school.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

(a) An absence is excused when the absence results from the compulsory-school-age child's attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may include field trips, athletic contests, student conventions, musical festivals and any similar activity.

(b) An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

(c) An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

(d) An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

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(f) An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

(g) An absence may be excused if the religion to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

(h) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

(i) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

(j) An absence is excused when it results from the attendance of a compulsory-school-age child participating in official organized events sponsored by the 4-H or Future Farmers of America (FFA). The excuse for the 4-H or FFA event must be provided in writing to the appropriate school superintendent by the Extension Agent or High School Agricultural Instructor/FFA Advisor.

(k) An absence is excused when it results from the compulsory-school-age child officially being employed to serve as a page at the State Capitol for the Mississippi House of Representatives or Senate.

(5) Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or

willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished in accordance with Section 97-5-39.

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent or his designee shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent, or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition

with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

(8) The State Board of Education shall adopt rules and regulations for the purpose of reprimanding any school superintendents who fail to timely report unexcused absences under the provisions of this section.

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.

SECTION 2. Section 37-41-27, Mississippi Code of 1972, is amended as follows:

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37-41-27. The local school boards, subject to rules and regulations promulgated by the State Board of Education, may permit the use of publicly owned school buses for the transportation of participating students, teachers, coaches and sponsors in connection with athletic events, events of boys' and girls' clubs and special events in connection with the schools which the boards may consider a part of the educational program. The local school boards, subject to rules and regulations promulgated by the State Board of Education, may permit the use of publicly owned school buses for the transportation of citizens for grand jury and other jury functions upon order of the court or as considered necessary by the school board during natural or man-made emergencies, hurricanes, tornadoes, floods and other acts of God. The local school boards, subject to rules and regulations promulgated by the State Board of Education, may permit the use of publicly owned school buses for the transportation of citizens attending an air show or historic commemorative event held on a military base or military park located in the school district; provided that such determination shall be made upon the minutes of the school board and shall include an agreement with the military base or military park that it will indemnify and hold the school district harmless in any action regarding such transportation.

SECTION 3. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 132

Description: State property; ratify conveyance of property in Marion County by DHS in 2011.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 516

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/11 | (H) | Referred To Public Property |
| 2 | 02/05 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 02/07 | (H) | Committee Substitute Adopted |
| 4 | 02/07 | (H) | Passed {Vote} |
| 5 | 02/11 | (H) | Transmitted To Senate |
| 6 | 02/19 | (S) | Referred To Public Property |
| 7 | 03/04 | (S) | Title Suff Do Pass As Amended |
| 8 | 03/12 | (S) | Amended |
| 9 | 03/12 | (S) | Passed As Amended {Vote} |
| 10 | 03/13 | (S) | Returned For Concurrence |
| 11 | 03/18 | (H) | Decline to Concur/Invite Conf |
| 12 | 03/25 | (H) | Conferees Named Weathersby, Boyd, Sullivan |
| 13 | 03/29 | (S) | Conferees Named Blount, Doty, Butler (36th) |
| 14 | 03/31 | (S) | Conference Report Filed |
| 15 | 03/31 | (H) | Conference Report Filed |
| 16 | 04/01 | (H) | Conference Report Adopted {Vote} |
| 17 | 04/03 | (S) | Conference Report Adopted {Vote} |
| 18 | 04/09 | (S) | Enrolled Bill Signed |
| 19 | 04/09 | (H) | Enrolled Bill Signed |
| 20 | 04/23 | | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 132

Conference Reports:

Conference Report

----- Additional Information -----

House Committee: Public Property

Senate Committee: Public Property

Principal Author: Morgan

Title: AN ACT TO RATIFY, CONFIRM AND VALIDATE THE PURPORTED CONVEYANCE OF REAL PROPERTY IN MARION COUNTY BY THE DEPARTMENT OF HUMAN SERVICES TO THE MARION COUNTY ECONOMIC DEVELOPMENT DISTRICT IN 2011; TO AMEND SECTION 1, CHAPTER 553, LAWS OF 2012, TO REVISE THE PROPERTY DESCRIPTION ON A CERTAIN PORTION OF STATE OWNED REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL, IN COLUMBIA, MARION COUNTY, MISSISSIPPI, AUTHORITY TO WHICH HAS BEEN GRANTED TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CONVEY AND TRANSFER TO THE BOARD OF SUPERVISORS OF MARION COUNTY, MISSISSIPPI; TO AUTHORIZE THE MARION COUNTY BOARD OF SUPERVISORS TO HARVEST AND SELL TIMBER OF THE PROPERTY TRANSFERRED UNDER THE PROVISIONS OF THIS ACT FOR PURPOSES OF GENERATING REVENUE TO PAY THE COST ASSOCIATED WITH THE REMOVAL AND CONTAINMENT OF ANY ENVIRONMENTAL DEFECTS ON THE PROPERTY; TO AUTHORIZE THE TOWN OF OAKLAND, MISSISSIPPI, TO DONATE A CERTAIN PARCEL OF TAX FORFEITED LAND TO A CERTAIN INDIVIDUAL WHO EXPENDED FUNDS IN THE AMOUNT OF THE OUTSTANDING INDEBTEDNESS TO IMPROVE AND RENOVATE THE DWELLING LOCATED ON THE PROPERTY; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 132

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Property

By: Representative Morgan

House Bill 132

(As Sent to Governor)

AN ACT TO RATIFY, CONFIRM AND VALIDATE THE PURPORTED CONVEYANCE OF REAL PROPERTY IN MARION COUNTY BY THE DEPARTMENT OF HUMAN SERVICES TO THE MARION COUNTY ECONOMIC DEVELOPMENT DISTRICT IN 2011; TO AMEND SECTION 1, CHAPTER 553, LAWS OF 2012, TO REVISE THE PROPERTY DESCRIPTION ON A CERTAIN PORTION OF STATE OWNED REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL, IN COLUMBIA, MARION COUNTY, MISSISSIPPI, AUTHORITY TO WHICH HAS BEEN GRANTED TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CONVEY AND TRANSFER TO THE BOARD OF SUPERVISORS OF MARION COUNTY, MISSISSIPPI; TO AUTHORIZE THE MARION COUNTY BOARD OF SUPERVISORS TO HARVEST AND SELL TIMBER OF THE PROPERTY TRANSFERRED UNDER THE PROVISIONS OF THIS ACT FOR PURPOSES OF GENERATING REVENUE TO PAY THE COST ASSOCIATED WITH THE REMOVAL AND CONTAINMENT OF ANY ENVIRONMENTAL DEFECTS ON THE PROPERTY; TO AUTHORIZE THE TOWN OF OAKLAND, MISSISSIPPI, TO DONATE A CERTAIN PARCEL OF TAX FORFEITED LAND TO A CERTAIN INDIVIDUAL WHO EXPENDED FUNDS IN THE AMOUNT OF THE OUTSTANDING INDEBTEDNESS TO IMPROVE AND RENOVATE THE DWELLING LOCATED ON THE PROPERTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The purported conveyance of the real property described in subsection (2) of this section by the Mississippi Department of Human Services to the Marion County Economic Development District under the authority of Executive Order No. 2011-001 executed by Don Thompson, Executive Director of the Department of Human Services, on April 13, 2011, and the special warranty deed dated May 3, 2011, from the Department of Human Services to the Marion County Economic Development District, is ratified, approved, confirmed and validated. The special warranty deed appears in the land deed records in the Office of the Chancery Clerk of Marion County, Mississippi, in Book 1663 at pages 99 through 104, and Executive Order No. 2011-001 appears in the land deed records in the Office of the

2013 GENERAL LAWS OF MISSISSIPPI HB 132

Chancery Clerk of Marion County, Mississippi, in Book 1663 at pages 105 through 107.

(2) The real property referenced in subsection (1) of this section is described as follows:

SECTION 34, TOWNSHIP 4 NORTH, RANGE 18 WEST, MARION COUNTY, MISSISSIPPI

Tract 1:

All that part of the N1/2 of the NW1/4, and the N1/2 of the NE1/4 of Section 34, Township 4 North, Range 18 West, Marion County, Mississippi, lying South of Mississippi Highway No. 44.

Tract 2:

The S1/2 of the NE1/4 of Section 34, Township 4 North, Range 18 West, Marion County, Mississippi, LESS AND EXCEPT the NE1/4 of the SE1/4 of the NE1/4.

Tract 3:

The N1/2 of the SE1/4; the SW1/4 of the SE1/4; and the S1/2 of the SW1/4; all in Section 34, Township 4 North, Range 18 West Marion County, Mississippi, LESS AND EXCEPT that portion

of the SW1/4 of the SW1/4 heretofore conveyed unto the City of

Columbia, Mississippi, by Special Warranty Deed dated July 22, 2009, and of record in Book 1610, at page 44 of the land

deed records as contained in the office of the Chancery Clerk of Marion County, Mississippi, and more particularly described as follows, to wit:

Commencing at the intersection of the North right of way of

National Guard Road with the East right of way of Mississippi Highway No. 44 in the SW1/4 of the SW1/4 of Section 34, Township 4 North, Range 18 West, Marion County, Mississippi,

2013 GENERAL LAWS OF MISSISSIPPI HB 132

and thence run North along the said East right of way line of Mississippi Highway No. 44 a distance of 950 feet, more or

less, to an existing fence; thence run in an Easterly direction along said fence a distance of 450 feet, more or less, to the intersection of a fence running North and South;

thence run South along said second fence a distance of 950 feet, more or less, back to the North right of way of National Guard Road; thence run in a Westerly direction along

the said North right of way of said National Guard Road a distance of 450 feet, more or less, and back to the point of

beginning, said exception containing 10 acres, more or less

and being located in the SW1/4 of the SW1/4 of Section 34, Township 4 North, Range 18, West, Marion County, Mississippi. SECTION 35, TOWNSHIP 4 NORTH, RANGE 18 WEST, MARION COUNTY, MISSISSIPPI

Tract 4:

The NW1/4 of the SW1/4 of Section 35, Township 4 North, Range

18 West, Marion County, Mississippi.

All four tracts contain in the aggregate, 370 acres, more or less.

SECTION 2. Section 1, Chapter 553, Laws of 2012, is amended as follows:

Section 1. (1) After consultation with the Chairmen of the Senate and House Public Property Committees, the Department of Finance and Administration, acting on behalf of the Mississippi Department of Human Services and the State of Mississippi, is authorized to convey and transfer to the Board of Supervisors of Marion County, Mississippi, upon approval of the Governor and the Secretary of State, certain real property and any improvements thereon, located at Columbia

2013 GENERAL LAWS OF MISSISSIPPI HB 132

Training School, in Columbia, Marion County, Mississippi, containing approximately 160 acres located within the City of Columbia at the North East corner of the intersection of Highway 44 and National Guard Road being more particularly described as follows:

North 1/2 of Southwest 1/4 and South 1/2 of Northwest

1/4, all being in Section 34, Township 4 North, Range 18 West, Marion County, Mississippi, and containing 160

acres more or less.

(2) The State of Mississippi shall retain all mineral rights to the real property donated under this section.

SECTION 3. The real property conveyed under Sections 1 and 2 of this act shall be conveyed to the respective recipients without any assumption of liability or financial responsibility by the State of Mississippi for any known or unknown environmental defects contained thereon. The entities acquiring the properties indemnifies the State of Mississippi upon receipt of said properties. However, the Marion County Board of Supervisors, upon receipt of the deed of title to the real property described in Sections 1 and 2 of this act shall have the authority to harvest and sell any timber located on those parcels of real property transferred under those sections and shall use the revenue generated from such sale or sales to fund the costs associated with removal and containment of any environmental defects located thereon. Any revenue remaining from the sale of timber after all environmental clean up cost have been paid, shall be deposited into the general fund treasury of Marion County to be expended for any and all purposes deemed necessary by the board of supervisors.

SECTION 4. The Town of Oakland, Mississippi, is authorized to donate certain real property, transferred to the Town of Oakland by the Office of the Secretary of State through an intergovernmental transfer of tax forfeited lands as provided for under Section 29-1-1, Mississippi Code of 1972, to a certain individual having expended monies for the improvement and renovation of the dwelling situated thereon as a condition of the full payment of the indebtedness owed on the property by such individual, without further consideration. The real property is located in the Town of Oakland, Yalobusha County, Mississippi, and is more particularly described as follows:

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Pt Blk N DB 38 p. 201 Oakland

Section 7, Township 25 North, Range 4 West

Parcel/PPIN: 1403I_0772.01

Yalobusha County, Mississippi.

SECTION 5. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2013 Regular Session

House Bill 151

Description: Child Protection Act; revise.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 511

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/11 | (H) | Referred To Judiciary B |
| 2 | 01/24 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 01/30 | (H) | Committee Substitute Adopted |
| 4 | 01/30 | (H) | Amended |
| 5 | 01/30 | (H) | Passed As Amended {Vote} |
| 6 | 02/05 | (H) | Transmitted To Senate |
| 7 | 02/22 | (S) | Referred To Judiciary, Division A |
| 8 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 9 | 03/12 | (S) | Amended |
| 10 | 03/12 | (S) | Passed As Amended {Vote} |
| 11 | 03/13 | (S) | Returned For Concurrence |
| 12 | 03/14 | (H) | Decline to Concur/Invite Conf |
| 13 | 03/25 | (H) | Conferees Named Gipson, Monsour, Mims |
| 14 | 03/27 | (S) | Conferees Named Hopson, Doty, Butler (38th) |
| 15 | 03/29 | (H) | Conference Report Filed |
| 16 | 03/29 | (S) | Conference Report Filed |
| 17 | 03/30 | (H) | Conference Report Adopted {Vote} |
| 18 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 19 | 04/08 | (H) | Enrolled Bill Signed |
| 20 | 04/08 | (S) | Enrolled Bill Signed |
| 21 | 04/23 | | Approved by Governor |

Amendments:

[H] Amendment No 1 (Cmte Sub) Lost Voice Vote

[H] Amendment No 2 (Cmte Sub) *Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 151
Conference Reports:
| Conference Report

Code Section: A 097-0005-0051

----- **Additional Information** -----

House Committee: Judiciary B

Senate Committee: Judiciary, Division A

Principal Author: Gipson

Additional Authors: Upshaw, Arnold

Title: AN ACT TO AMEND SECTION 97-5-51, MISSISSIPPI CODE OF 1972, TO REVISE MANDATORY REPORTING OF SEX CRIMES AGAINST MINORS AND TO PROVIDE FOR MANDATORY FILING OF CHARGES BY LAW ENFORCEMENT ON BEHALF OF A VICTIM OF A SEX CRIME AGAINST A MINOR WHEN PROBABLE CAUSE EXISTS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 151

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representatives Gipson, Upshaw, Arnold

House Bill 151

(As Sent to Governor)

AN ACT TO AMEND SECTION 97-5-51, MISSISSIPPI CODE OF 1972, TO REVISE MANDATORY REPORTING OF SEX CRIMES AGAINST MINORS AND TO PROVIDE FOR MANDATORY FILING OF CHARGES BY LAW ENFORCEMENT ON BEHALF OF A VICTIM OF A SEX CRIME AGAINST A MINOR WHEN PROBABLE CAUSE EXISTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-5-51, Mississippi Code of 1972, is amended as follows:

97-5-51. (1) **Definitions.** For the purposes of this section:

(a) "Sex crime against a minor" means any offense under at least one (1) of the following statutes when committed by an adult against a minor who is under the age of sixteen (16):

(i) Section 97-3-65 relating to rape;

(ii) Section 97-3-71 relating to rape and assault with intent to ravish;

(iii) Section 97-3-95 relating to sexual battery;

(iv) Section 97-5-23 relating to the touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes;

(v) Section 97-5-41 relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner;

(vi) Section 97-5-33 relating to exploitation of children;

(vii) Section 97-3-54.1(1)(c) relating to procuring sexual servitude of a minor;

(viii) Section 43-47-18 relating to sexual abuse of a vulnerable person;

(ix) Section 97-1-7 relating to the attempt to commit any of the offenses listed in this subsection.

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(b) "Mandatory reporter" means any of the following individuals performing their occupational duties: health care practitioner, clergy member, teaching or child care provider, law enforcement officer, or commercial image processor.

(c) "Health care practitioner" means any individual who provides health care services, including a physician, surgeon, physical therapist, psychiatrist, psychologist, medical resident, medical intern, hospital staff member, licensed nurse, midwife and emergency medical technician or paramedic.

(d) "Clergy member" means any priest, rabbi or duly ordained deacon or minister.

(e) "Teaching or child care provider" means anyone who provides training or supervision of a minor under the age of sixteen (16), including a teacher, teacher's aide, principal or staff member of a public or private school, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider.

(f) "Commercial image processor" means any person who, for compensation: (i) develops exposed photographic film into negatives, slides or prints; (ii) makes prints from negatives or slides; or (iii) processes or stores digital media or images from any digital process, including, but not limited to, website applications, photography, live streaming of video, posting, creation of power points or any other means of intellectual property communication or media including conversion or manipulation of still shots or video into a digital show stored on a photography site or a media storage site.

(g) "Caretaker" means any person legally obligated to provide or secure adequate care for a minor under the age of sixteen (16), including a parent, guardian, tutor, legal custodian or foster home parent.

(2) (a) **Mandatory reporter requirement.** A mandatory reporter shall make a report if it would be reasonable for the mandatory reporter to suspect that a sex crime against a minor has occurred.

(b) Failure to file a mandatory report shall be punished as provided in this section.

(c) Reports made under this section and the identity of the mandatory reporter are confidential except when the court determines the testimony of the person reporting to be material to a judicial proceeding or when the identity of the reporter is released to law enforcement agencies and the appropriate prosecutor. The identity of the reporting party shall not be disclosed to anyone other than law enforcement or prosecutors except under court order; violation of this requirement is a misdemeanor. Reports made under this section are for the purpose of criminal investigation and prosecution only and information from these reports is not a public record. Disclosure of any information by the prosecutor shall conform to the Mississippi Uniform Rules of Circuit and County Court Procedure.

(d) Any mandatory reporter who makes a required report under this section or participates in a judicial proceeding resulting from a mandatory report shall be presumed to be acting in good faith. Any person or institution reporting in good faith shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

(3) (a) **Mandatory reporting procedure.** A report required under subsection (2) must be made immediately to the law enforcement agency in whose jurisdiction the reporter believes the sex crime against the minor occurred. Except as otherwise provided in this subsection (3), a mandatory reporter may not delegate to any other person the responsibility to report, but shall make the report personally.

(i) The reporting requirement under this subsection (3) is satisfied if a mandatory reporter in good faith reports a suspected sex crime against a minor to the Department of Human Services under Section 43-21-353.

(ii) The reporting requirement under this subsection (3) is satisfied if a mandatory reporter reports a suspected sex crime against a minor by following a reporting procedure that is imposed:

1. By state agency rule as part of licensure of any person or entity holding a state license to provide services that include the treatment or education of abused or neglected children; or

2. By statute.

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(b) **Contents of the report.** The report shall identify, to the extent known to the reporter, the following:

- (i) The name and address of the minor victim;
- (ii) The name and address of the minor's caretaker;
- (iii) Any other pertinent information known to the reporter.

(4) A law enforcement officer who receives a mandated report under this section shall file an affidavit against the offender on behalf of the State of Mississippi if there is probable cause to believe that the offender has committed a sex crime against a minor.

(* * *5)* * * Collection of forensic samples. * * * (a) (i) When an abortion is performed on a minor who is less than fourteen (14) years of age at the time of the abortion procedure, * * * fetal tissue extracted during the abortion shall be collected in accordance with rules and regulations adopted pursuant to this section if it would be reasonable to suspect that the pregnancy being terminated is the result of a sex crime against a minor.

(ii) When a minor who is under sixteen (16) years of age gives birth to an infant, umbilical cord blood shall be collected, if possible, in accordance with rules and regulations adopted pursuant to this section if it would be reasonable to suspect that the minor's pregnancy resulted from a sex crime against a minor.

(iii) It shall be reasonable to suspect that a sex crime against a minor has occurred if the mother of an infant was less than sixteen (16) years of age at the time of conception and at least one (1) of the following conditions also applies:

1. The mother of the infant will not identify the father of the infant;

2. The mother of the infant lists the father of the infant as unknown;

3. The person the mother identifies as the father of the infant disputes his fatherhood;

4. The person the mother identifies as the father of the infant is twenty-one (21) years of age or older; or

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5. The person the mother identifies as the father is deceased.

(* * *b) The State Medical Examiner shall adopt rules and regulations consistent with Section 99-49-1 that prescribe:

(i) The amount and type of fetal tissue or umbilical cord blood to be* * * collected pursuant to this section;

(ii) Procedures for the proper preservation of the tissue or blood for the purpose of DNA testing and examination;

(iii) Procedures for documenting the chain of custody of such tissue or blood for use as evidence;

(iv) Procedures for proper disposal of fetal tissue or umbilical cord blood* * * collected pursuant to this section;

(v) A uniform reporting instrument mandated to be utilized,* * * which shall include the* * * complete residence address and name of the parent or legal guardian of the minor* * * who is the subject of the report required under this subsection (5); and

(vi) Procedures for communication with law enforcement agencies regarding evidence and information obtained pursuant to this section.

* * *

(* * *6) **Penalties.** (a) A person who is convicted of a first offense under this section shall be guilty of a misdemeanor and fined not more than Five Hundred Dollars (\$500.00).

(b) A person who is convicted of a second offense under this section shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than thirty (30) days, or both.

(c) A person who is convicted of a third or subsequent offense under this section shall be guilty of a misdemeanor and fined not more than Five Thousand Dollars (\$5,000.00), or imprisoned for not more than one (1) year, or both.

(* * *7) * * * A health care practitioner or health care facility shall be* * * immune from any penalty* * *, civil or criminal, for good -faith compliance with any rules and regulations adopted pursuant to this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 276

Description: Distinctive motor vehicle license tags; authorize for various purposes.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 560

History of Actions:

- | | | | |
|--------|-------|-----|---|
| 1 | 01/14 | (H) | Referred To Ways and Means |
| 2 | 02/05 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 02/06 | (H) | Committee Substitute Adopted |
| 4 | 02/06 | (H) | Passed {Vote} |
| 5 | 02/08 | (H) | Transmitted To Senate |
| 6 | 02/12 | (S) | Referred To Finance |
| 7 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 8 | 03/07 | (S) | Amended |
| 9 | 03/07 | (S) | Passed As Amended {Vote} |
| 10 | 03/08 | (S) | Returned For Concurrence |
| 11 | 03/12 | (H) | Decline to Concur/Invite Conf |
| 12 | 03/25 | (H) | Conferees Named Zuber, DeBar, Smith (39th) |
| 13 | 03/27 | (S) | Conferees Named Fillingane, Massey, Simmons |
| (12th) | | | |
| 14 | 04/01 | (S) | Conference Report Filed |
| 15 | 04/01 | (H) | Conference Report Filed |
| 16 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 17 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 18 | 04/12 | (H) | Enrolled Bill Signed |
| 19 | 04/12 | (S) | Enrolled Bill Signed |
| 20 | 04/25 | | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 276

Conference Reports:

| Conference Report

Code Section: A 027-0019-0056.1, A 027-0019-0056.185, A 027-0019-0056.246, A 027-0019-0056.27, BF 049-0015-0017, A 027-0019-0056.318, A 027-0019-0056.15, A 027-0019-0056.22, A 027-0019-0056.226, A 027-0019-0056.200, A 027-0019-0056.201, A 027-0051-0041, A 027-0019-0047, A 027-0019-0047.2

----- Additional Information -----

House Committee: Ways and Means

Senate Committee: Finance

Principal Author: Warren

Additional Authors: Rushing

Title: AN ACT TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE OIL AND GAS INDUSTRY; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE VAN CLEAVE HOME RUN CLUB; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF FRIENDS OF THE PARK; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF JACKSON ZOOLOGICAL SOCIETY, INC.; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE BOONEVILLE SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF NEW SITE HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THRASHER HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF JUMPERTOWN HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF WHEELER HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE PALMER HOME FOR CHILDREN; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE NEWTON COUNTY SCHOOL SYSTEM; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF BOGUE CHITTO HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF FRANKLIN COUNTY HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE ENTERPRISE ATTENDANCE CENTER; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF BROOKHAVEN HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE WEST LINCOLN ATTENDANCE CENTER; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF SOUTH PONTOTOC

HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF NORTH PONTOTOC HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF PRENTISS HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF BASSFIELD HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF CALLOWAY HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE BALDWIN BEARCATS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS COMMEMORATING THE BICENTENNIAL OF THE ESTABLISHMENT OF THE STATE OF MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MOTORCYCLE AWARENESS CAMPAIGN; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF NATHAN'S LEGACY FOUNDATION, INC.; TO AUTHORIZE THE ISSUANCE OF A DISTINCTIVE MOTOR VEHICLE LICENSE TAG TO SUPPORTERS OF THE PEARL RIVER COUNTY SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE BROOKHAVEN SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE LONE SURVIVOR FOUNDATION; TO AUTHORIZE THE ISSUANCE OF A DISTINCTIVE MOTOR VEHICLE LICENSE TAG TO SUPPORTERS OF THE GREENVILLE PUBLIC SCHOOL DISTRICT; TO AUTHORIZE A DISTINCTIVE MOTOR VEHICLE LICENSE TAG FOR SUPPORTERS OF WARREN CENTRAL HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF A DISTINCTIVE MOTOR VEHICLE LICENSE TAG TO SUPPORTERS OF THE COASTAL CONSERVATION ASSOCIATION; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MARIETTA RAIDERS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE HILLS CHAPEL PATRIOTS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE RIENZI EAGLES; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE GREENE COUNTY SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE PERRY COUNTY SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF NORTH PIKE HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE LOYD STAR SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF TRUE VALUE EXPERIENCE; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAGS; TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED;

TO AMEND SECTION 27-19-56.1, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO FIREFIGHTERS, TO PROVIDE THAT A PORTION OF THE ADDITIONAL FEE COLLECTED FROM THE ISSUANCE OF SUCH LICENSE TAGS SHALL BE DISTRIBUTED TO THE MISSISSIPPI FIRE FIGHTERS ASSOCIATION RATHER THAN DEPOSITED INTO THE MISSISSIPPI BURN CARE FUND; TO AMEND SECTION 27-19-56.185, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE TUPELO ELVIS PRESLEY FAN CLUB TO PROVIDE THAT A PORTION OF THE FEES WILL BE DISTRIBUTED TO CREATE FOUNDATION, INC., FOR THE BENEFIT OF THE TUPELO ELVIS PRESLEY FAN CLUB; TO AMEND SECTION 27-19-56.246, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF PASCAGOULA HIGH SCHOOL, TO PROVIDE THAT A PORTION OF THE FEES WILL BE DISTRIBUTED TO THE PASCAGOULA ATHLETIC FOUNDATION; TO AMEND SECTION 27-19-56.27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DISTINCTIVE MOTOR VEHICLE LICENSE TAG AUTHORIZED TO BE ISSUED TO SUPPORTERS OF THE MISSISSIPPI SEAFOOD INDUSTRY WILL BEAR ONE OF TWO EMBLEMS DESIGNED BY THE DEPARTMENT OF MARINE RESOURCES; TO AMEND SECTION 49-15-17, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE SEAFOOD FUND, TO CLARIFY THAT MONIES IN THE FUND MAY BE USED FOR COBIA STOCK ENHANCEMENT PROGRAMS; TO AMEND SECTION 27-19-56.318, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE UNITED STATES MARINE CORPS; TO AMEND SECTION 27-19-56.15, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS THAT DISPLAY THE EMBLEMS OF UNIVERSITIES LOCATED IN OTHER STATES, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE LICENSE TAGS DISPLAYING THE EMBLEM OF LOUISIANA STATE UNIVERSITY; TO AMEND SECTION 27-19-56.22, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT UPON THE REQUEST OF A LOCAL CHAPTER OF ALPHA KAPPA ALPHA SORORITY, THE COLEMAN, ALEXANDER, POSSNER FOUNDATION SHALL DISTRIBUTE TO THE LOCAL CHAPTER THE FEES PAID TO THE FOUNDATION THAT ARE GENERATED BY THE PURCHASE OF THE DISTINCTIVE ALPHA KAPPA ALPHA LICENSE TAGS BY MEMBERS OF THE LOCAL CHAPTER OF ALPHA KAPPA ALPHA SORORITY AND BY THOSE MEMBERS WHO PURCHASED DISTINCTIVE LICENSE TAGS BY DOCUMENTATION SIGNED BY THE PRESIDENT OF THE LOCAL CHAPTER OF ALPHA KAPPA ALPHA SORORITY IN WHICH THE COUNTY IS LOCATED; TO AMEND SECTION 27-19-56.226, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF A DISTINCTIVE MOTOR VEHICLE LICENSE TAG FOR

SUPPORTERS OF SOUTHAVEN HIGH SCHOOL; TO AMEND SECTION 27-19-56.200, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF TISHOMINGO COUNTY HIGH SCHOOL; TO AMEND SECTION 27-19-56.201, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF BELMONT HIGH SCHOOL; TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972, TO EXEMPT ONE MOTOR VEHICLE OWNED BY A DISABLED AMERICAN VETERAN WHO IS ENTITLED TO PURCHASE A DISTINCTIVE LICENSE TAG FOR DISABLED VETERANS UNDER SECTION 27-19-53 FROM THE PAYMENT OF MOTOR VEHICLE AD VALOREM TAXES, REGARDLESS OF THE LICENSE TAG ISSUED TO THE DISABLED VETERAN; TO AMEND SECTIONS 27-19-47 AND 27-19-47.2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PERSON ISSUED A SPECIAL ANTIQUE AUTOMOBILE OR PICKUP TRUCK PLATE AND WHO HAS COMPLETED AN ACTIVE DUTY CAREER WITH THE ARMED FORCES OF THE UNITED STATES OR IS A RETIRED MEMBER OF THE ARMY NATIONAL GUARD, AIR NATIONAL GUARD OR THE UNITED STATES RESERVES, AND IS ENTITLED TO RECEIVE A DISTINCTIVE LICENSE PLATE OR TAG UNDER SECTION 27-19-51, MISSISSIPPI CODE OF 1972, MAY RECEIVE AND AFFIX TO THE ANTIQUE PLATE AN EMBLEM OR DECAL IDENTIFYING THE PERSON WITH SUCH ORGANIZATION; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 276

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representatives Warren, Rushing

House Bill 276

(As Sent to Governor)

AN ACT TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE OIL AND GAS INDUSTRY; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE VAN CLEAVE HOME RUN CLUB; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF FRIENDS OF THE PARK; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF JACKSON ZOOLOGICAL SOCIETY, INC.; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE BOONEVILLE SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF NEW SITE HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THRASHER HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF JUMPERTOWN HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF WHEELER HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE PALMER HOME FOR CHILDREN; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE NEWTON COUNTY SCHOOL SYSTEM; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF BOGUE CHITTO HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF FRANKLIN COUNTY HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE ENTERPRISE ATTENDANCE CENTER; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF BROOKHAVEN HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE WEST LINCOLN ATTENDANCE CENTER; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF SOUTH PONTOTOC HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF NORTH PONTOTOC HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE

MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF PRENTISS HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF BASSFIELD HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF CALLOWAY HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE BALDWIN BEARCATS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS COMMEMORATING THE BICENTENNIAL OF THE ESTABLISHMENT OF THE STATE OF MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MOTORCYCLE AWARENESS CAMPAIGN; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF NATHAN'S LEGACY FOUNDATION, INC.; TO AUTHORIZE THE ISSUANCE OF A DISTINCTIVE MOTOR VEHICLE LICENSE TAG TO SUPPORTERS OF THE PEARL RIVER COUNTY SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE BROOKHAVEN SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE LONE SURVIVOR FOUNDATION; TO AUTHORIZE THE ISSUANCE OF A DISTINCTIVE MOTOR VEHICLE LICENSE TAG TO SUPPORTERS OF THE GREENVILLE PUBLIC SCHOOL DISTRICT; TO AUTHORIZE A DISTINCTIVE MOTOR VEHICLE LICENSE TAG FOR SUPPORTERS OF WARREN CENTRAL HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF A DISTINCTIVE MOTOR VEHICLE LICENSE TAG TO SUPPORTERS OF THE COASTAL CONSERVATION ASSOCIATION; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MARIETTA RAIDERS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE HILLS CHAPEL PATRIOTS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE RIENZI EAGLES; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE GREENE COUNTY SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE PERRY COUNTY SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF NORTH PIKE HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE LOYD STAR SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF TRUE VALUE EXPERIENCE; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAGS; TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO AMEND SECTION 27-19-56.1, MISSISSIPPI CODE OF

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1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO FIREFIGHTERS, TO PROVIDE THAT A PORTION OF THE ADDITIONAL FEE COLLECTED FROM THE ISSUANCE OF SUCH LICENSE TAGS SHALL BE DISTRIBUTED TO THE MISSISSIPPI FIRE FIGHTERS ASSOCIATION RATHER THAN DEPOSITED INTO THE MISSISSIPPI BURN CARE FUND; TO AMEND SECTION 27-19-56.185, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE TUPELO ELVIS PRESLEY FAN CLUB TO PROVIDE THAT A PORTION OF THE FEES WILL BE DISTRIBUTED TO CREATE FOUNDATION, INC., FOR THE BENEFIT OF THE TUPELO ELVIS PRESLEY FAN CLUB; TO AMEND SECTION 27-19-56.246, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF PASCAGOULA HIGH SCHOOL, TO PROVIDE THAT A PORTION OF THE FEES WILL BE DISTRIBUTED TO THE PASCAGOULA ATHLETIC FOUNDATION; TO AMEND SECTION 27-19-56.27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DISTINCTIVE MOTOR VEHICLE LICENSE TAG AUTHORIZED TO BE ISSUED TO SUPPORTERS OF THE MISSISSIPPI SEAFOOD INDUSTRY WILL BEAR ONE OF TWO EMBLEMS DESIGNED BY THE DEPARTMENT OF MARINE RESOURCES; TO AMEND SECTION 49-15-17, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE SEAFOOD FUND, TO CLARIFY THAT MONIES IN THE FUND MAY BE USED FOR COBIA STOCK ENHANCEMENT PROGRAMS; TO AMEND SECTION 27-19-56.318, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE UNITED STATES MARINE CORPS; TO AMEND SECTION 27-19-56.15, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS THAT DISPLAY THE EMBLEMS OF UNIVERSITIES LOCATED IN OTHER STATES, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE LICENSE TAGS DISPLAYING THE EMBLEM OF LOUISIANA STATE UNIVERSITY; TO AMEND SECTION 27-19-56.22, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT UPON THE REQUEST OF A LOCAL CHAPTER OF ALPHA KAPPA ALPHA SORORITY, THE COLEMAN, ALEXANDER, POSSNER FOUNDATION SHALL DISTRIBUTE TO THE LOCAL CHAPTER THE FEES PAID TO THE FOUNDATION THAT ARE GENERATED BY THE PURCHASE OF THE DISTINCTIVE ALPHA KAPPA ALPHA LICENSE TAGS BY MEMBERS OF THE LOCAL CHAPTER OF ALPHA KAPPA ALPHA SORORITY AND BY THOSE MEMBERS WHO PURCHASED DISTINCTIVE LICENSE TAGS BY DOCUMENTATION SIGNED BY THE PRESIDENT OF THE LOCAL CHAPTER OF ALPHA KAPPA ALPHA SORORITY IN WHICH THE COUNTY IS LOCATED; TO AMEND SECTION 27-19-

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56.226, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF A DISTINCTIVE MOTOR VEHICLE LICENSE TAG FOR SUPPORTERS OF SOUTHAVEN HIGH SCHOOL; TO AMEND SECTION 27-19-56.200, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF TISHOMINGO COUNTY HIGH SCHOOL; TO AMEND SECTION 27-19-56.201, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF BELMONT HIGH SCHOOL; TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972, TO EXEMPT ONE MOTOR VEHICLE OWNED BY A DISABLED AMERICAN VETERAN WHO IS ENTITLED TO PURCHASE A DISTINCTIVE LICENSE TAG FOR DISABLED VETERANS UNDER SECTION 27-19-53 FROM THE PAYMENT OF MOTOR VEHICLE AD VALOREM TAXES, REGARDLESS OF THE LICENSE TAG ISSUED TO THE DISABLED VETERAN; TO AMEND SECTIONS 27-19-47 AND 27-19-47.2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PERSON ISSUED A SPECIAL ANTIQUE AUTOMOBILE OR PICKUP TRUCK PLATE AND WHO HAS COMPLETED AN ACTIVE DUTY CAREER WITH THE ARMED FORCES OF THE UNITED STATES OR IS A RETIRED MEMBER OF THE ARMY NATIONAL GUARD, AIR NATIONAL GUARD OR THE UNITED STATES RESERVES, AND IS ENTITLED TO RECEIVE A DISTINCTIVE LICENSE PLATE OR TAG UNDER SECTION 27-19-51, MISSISSIPPI CODE OF 1972, MAY RECEIVE AND AFFIX TO THE ANTIQUE PLATE AN EMBLEM OR DECAL IDENTIFYING THE PERSON WITH SUCH ORGANIZATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the oil and gas industry. The distinctive license tags so issued shall be of such color and design as the Department of Revenue may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this

section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the American Red Cross Mississippi Region.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section

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shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 2. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Vancleave Home Run Club. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Vancleave Home Run Club, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department.

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The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, ~ 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Vancleave Home Run Club.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag

under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 3. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Friends of the Park. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the President of Friends of the Park, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive

license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Friends of the Park.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag

issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 4. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Jackson Zoological Society, Inc. The distinctive license tags so issued shall display the words "Jackson Zoo" and shall be of such color and design as the Department of Revenue, with the advice of Jackson Zoological Society, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be

in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Jackson Zoological Society, Inc.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 5. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Booneville School District. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Superintendent of the Booneville School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional

fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Booneville School District for deposit into its general fund.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as

provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 6. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of New Site High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of New Site High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as

long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to New Site High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general

fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 7. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Thrasher High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Thrasher High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

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(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Thrasher High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner

as funds from the sale of regular distinctive license tags issued under this section.

SECTION 8. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Jumpertown High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Jumpertown High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the

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State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Jumpertown High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 9. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege

taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Wheeler High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Wheeler High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

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(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Wheeler High School for support of the school's agricultural education program.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 10. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and

upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Palmer Home for Children. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Palmer Home for Children, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Palmer Home for Children.

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(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 11. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Newton County School System. The distinctive license tags so issued shall be of such color

and design as the Department of Revenue, with the advice of the Superintendent of the Newton County School System, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Newton County School System.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

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(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 12. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Bogue Chitto High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Bogue Chitto High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Bogue Chitto High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

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(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 13. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Franklin County High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Franklin County High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by

the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Franklin County High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two* (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 14. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Enterprise Attendance Center. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of the Enterprise Attendance Center, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Enterprise Attendance Center.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered

to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 15. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Brookhaven High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Brookhaven High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in

the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Brookhaven High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag

issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 16. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the West Lincoln Attendance Center. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of the West Lincoln Attendance Center, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee

paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the West Lincoln Attendance Center.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

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(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 17. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of South Pontotoc High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of South Pontotoc High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional

fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to South Pontotoc High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement

distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 18. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of North Pontotoc High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of North Pontotoc High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the

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owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to North Pontotoc High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license

tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 19. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Prentiss High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Prentiss High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of

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each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Prentiss High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

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SECTION 20. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Bassfield High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Bassfield High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued

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under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Bassfield High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 21. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup

trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Callaway High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Callaway High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this

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section shall be distributed to Callaway High School for support of the school's athletics program.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 22. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag

for any motor vehicle registered in his name identifying such person as a supporter of the Baldwyn Bearcats. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Baldwyn Bearcats Booster Club, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Baldwyn Bearcats Booster Club.

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(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 23. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name commemorating the bicentennial of the establishment of the State of Mississippi. The distinctive license tags so issued

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shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Bicentennial Celebration Commission, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Bicentennial Celebration Commission.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section

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shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 24. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Motorcycle Awareness Campaign. The distinctive license tags so issued shall bear the logo of a motorcycle, the letters "MAC" and the words "Motorcycle Awareness Campaign," and shall be of such color and design

as the Department of Revenue may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Motorcycle Awareness Campaign and be used to promote public awareness and safe operation of motorcycles on highways.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

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(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 25. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Nathan's Legacy Foundation, Inc. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Nathan's Legacy Foundation, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

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(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Nathan's Legacy Foundation, Inc.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to

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be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 26. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Pearl River County School District. The distinctive license tags so issued shall display the words "Pearl River County School District" and shall be of such color and design as the Department of Revenue, with the advice of the Pearl River County School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on

forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Pearl River County School District.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 27. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Brookhaven School District. The distinctive license tags so issued shall display the words "Brookhaven School District" and shall be of such color and design as the Department of Revenue, with the advice of the Brookhaven School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this

section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Brookhaven School District.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section

shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 28. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Lone Survivor Foundation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the Lone Survivor Foundation, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department.

The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Lone Survivor Foundation.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag

under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 29. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Greenville Public School District. The distinctive license tags so issued shall display the words "Greenville Public School District" and shall be of such color and design as the Department of Revenue, with the advice of the Greenville Public School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

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(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Greenville Public School District.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered

to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 30. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Warren Central High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Warren Central High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee

in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Warren Central High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag

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issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 31. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Coastal Conservation Association. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Executive Director of the Coastal Conservation Association Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be

in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Coastal Conservation Association Mississippi.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

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(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 32. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Marietta Raiders. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Marietta Middle School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional

fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Marietta Middle School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement

distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 33. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Hills Chapel Patriots. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Hills Chapel Middle School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the

owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Hills Chapel Middle School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license

tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 34. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Rienzi Eagles. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Rienzi Middle School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of

each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Rienzi Middle School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 35. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Greene County School District. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Greene County School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued

under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Greene County School District.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 36. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration

fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Perry County School District. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Perry County School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

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(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Perry County School District.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 37. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment

of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of North Pike High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of North Pike High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to North Pike High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 38. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Loyd Star School. The distinctive license tags so issued shall be of such color

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and design as the Department of Revenue, with the advice of the Principal of Loyd Star School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Loyd Star School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 39. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the True Value Experience. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the True Value Experience, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

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(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the True Value Experience.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

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(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 40. Section 27-19-56.1, Mississippi Code of 1972, is amended as follows:

27-19-56.1. (1) Any owner of a motor vehicle who is a firefighter, including a career firefighter, a volunteer firefighter or an industrial firefighter, employed by or in the service of any municipality, county, fire district, state agency or industry in the state who is a resident of this state, or who is a retired firefighter who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for each motor vehicle registered in his name identifying such person as a firefighter or retired firefighter. The distinctive license tags so issued shall be of such color and design as may be agreed upon by the Executive Committee of the Mississippi Fire Fighters Association and the* * * Department of Revenue, shall consist

of such letters or numbers, or both, as may be necessary to distinguish each license tag and may, in the discretion of the* * * Department of Revenue, display the county name.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the* * * Department of Revenue. Applicants for such distinctive license tags (a) shall present to the issuing official proof of their employment or service as a firefighter by presentation of the applicant's official firefighter identification card or a signed and notarized affidavit from the governing authority or chief executive officer of the municipality, county, fire district, agency or industry by or for whom the applicant is employed or serves as a firefighter; or (b) shall present proof that they are a retired firefighter by presentation of a signed and notarized affidavit from the governing authority or chief executive officer of the municipality, county, fire district, agency or industry from whom the firefighter retired. The application and the additional fee imposed under subsection (3) of this section, less three percent (3%) thereof to be retained by the tax collector, shall be remitted to the* * * Department of Revenue on a monthly basis as prescribed by the* * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 1992, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Fifty Dollars (\$50.00) for each distinctive license tag applied for under this section which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrent~~ly~~ with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, or if the owner resigns from or otherwise vacates his employment or service as a firefighter, he must surrender it to the local county tax collector.

(4) The* * * Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of

each month, the* * * Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of distinctive license tags. The State Treasurer shall distribute an amount equal to Seven Dollars (\$7.00) of the additional fees collected for each such distinctive license tag issued under this section to the State General Fund, and the remainder of such additional fees collected shall be distributed by the State Treasurer to the* * * Mississippi Fire Fighters Association.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37, Mississippi Code of 1972. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In lieu of the distinctive license tag authorized under subsections (1) through (6) of this section, any person who presents proof of his employment or service as a firefighter in the manner provided in subsection (2) of this section, may be issued a distinctive license tag decal for each motor vehicle registered in his name identifying such person as a firefighter. The distinctive license tag decal shall be of such size, color and design as may be agreed upon by the Executive Committee of the Mississippi Fire Fighters Association and the* * * Department of Revenue; however, the* * * Department of Revenue shall have final approval of the size, color and design. The distinctive license tag decals shall be prepared and sold at Two Dollars (\$2.00) each through the Mississippi Fire Fighters Training Academy.

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SECTION 41. Section 27-19-56.185, Mississippi Code of 1972, is amended as follows:

27-19-56.185. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for each motor vehicle registered in his name identifying such person as a supporter of the Tupelo Elvis Presley Fan Club. The distinctive license tags so issued shall be of such color and design as the* * * Department of Revenue, with the advice of the Tupelo Elvis Presley Fan Club, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the* * * Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) to be retained by the tax collector, shall be remitted to the* * * Department of Revenue on a monthly basis as prescribed by the* * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2008, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The* * * Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of

each month, the* * * Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to CREATE Foundation, Inc., for the benefit of the Tupelo Elvis Presley Fan Club.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 42. Section 27-19-56.246, Mississippi Code of 1972, is amended as follows:

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27-19-56.246. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Pascagoula High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of Pascagoula High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2011, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued

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under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the* * * Pascagoula Athletic Foundation.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 43. Section 27-19-56.27, Mississippi Code of 1972, is amended as follows:

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27-19-56.27. (1) Beginning with any registration year commencing on or after July 1, 2011, any owner of a motor vehicle, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount of Thirty Dollars (\$30.00), shall be issued a special license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi seafood industry and displaying one (1) of two (2) emblems designed by the Department of Marine Resources.

(2) The distinctive license tag shall be of such color and design as the Department of Revenue, with the advice of the Department of Marine Resources, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(3) Application for the special license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee, less five percent (5%) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the Department of Revenue. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(4) The special license tag shall be issued for a one-year period. The additional annual fee shall be due and payable at the time of renewal registration.

(5) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on special license tags issued pursuant to this section shall be deposited into the Mississippi Seafood Marketing Program Account in the Seafood Fund created pursuant to Section 49-15-17.

(b) One Dollar (\$1.00) of each additional fee collected on special license tags shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) The remainder of each such additional fee shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 44. Section 49-15-17, Mississippi Code of 1972, is brought forward as follows:

49-15-17. (1) (a) All monies received or obtained by the commission under the provisions of this chapter shall be paid over by the commission to the State Treasurer and shall be deposited into the fund known as the "Seafood Fund." All revenues collected through the department, to include, but not limited to, commercial saltwater licenses and taxes, permits, fines and penalties, and confiscated catches, shall be deposited into the department operating account (Seafood Fund) and expended for the operation of the department, as authorized by the Legislature.

(b) There is established a special account to be known as the "Artificial Reef Program Account" within the Seafood Fund. Any funds received from any public or private source for the purpose of promoting, constructing, monitoring or maintaining artificial reefs in the marine waters of the state or in federal waters adjacent to the marine waters of the state shall be credited to the account. Any unexpended funds remaining in the account at the end of the fiscal year shall not lapse into the Seafood Fund, but shall remain in the account. The department may expend any funds in the account, subject to appropriation by the Legislature, to accomplish the purpose of the account.

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(c) There is established a special account to be known as the "Coastal Preserve Account" within the Seafood Fund. Any funds received from any public or private source for the purpose of management, improvement and acquisition of coastal preserves in the state and money required to be deposited pursuant to Sections 27-19-56.10 and 27-19-56.27, shall be credited to the account. Any unexpended funds remaining in the account at the end of the fiscal year shall not lapse into the Seafood Fund, but shall remain in the account. The department may expend any funds in the account, subject to appropriation by the Legislature, for the management, improvement and acquisition of coastal preserves.

(d) There is established a special account to be known as the "Mississippi Seafood Marketing Program Account" within the Seafood Fund. Monies required to be deposited into the account under Section 27-19-56.27 and any funds received from any public or private source for the purpose of promoting the Mississippi seafood industry must be credited to the account. Any unexpended funds remaining in the account at the end of the fiscal year do not lapse into the Seafood Fund, but remain in the account. The department may expend any funds in the account, subject to appropriation by the Legislature, to accomplish the purposes of this account including, but not limited to, providing funds for cobia stock enhancement programs.

(2) The fund shall be treated as a special trust fund and interest earned on the principal shall be credited to the fund.

(3) The secretary of the commission shall keep accurate reports of monies handled as a part of the permanent records of the commission, and the State Treasurer shall furnish the secretary of the commission such forms as may be needed, and the secretary shall account for such forms in his reports to the Treasurer.

SECTION 45. Section 27-19-56.318, Mississippi Code of 1972, is amended as follows:

27-19-56.318. (1) In recognition of the patriotic services rendered the United States, Mississippi and the citizens thereof, any resident of the state* * *, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor

vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive motor vehicle license plate or tag for any motor vehicle registered in his name identifying him as* * * a supporter of the United States Marine Corps. The distinctive license tags so issued shall be of such color and design as the Department of Revenue may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for the distinctive license tag shall present proof of their active duty membership in the United States Marine Corps to the county tax collector. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this

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section shall be distributed to the Navy-Marine Corps Relief Society.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 46. Section 27-19-56.15, Mississippi Code of 1972, is amended as follows:

27-19-56.15. (1) (a) Beginning with any registration year commencing on or after July 1, 2006, any owner of a motor vehicle who is a resident of this state, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge

privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount of Fifty Dollars (\$50.00), shall be issued a distinctive license tag that displays the emblem of any public or private university of his choice located in another state.

(b) The design of the emblems for the distinctive license tags authorized under this subsection shall be determined by agreement between the Department of Revenue and the governing authorities of public or private universities in the states where the universities are located. Such other design characteristics and information to be contained on such distinctive license tags shall be determined by the Department of Revenue.

(c) Application for the distinctive license tag authorized under this subsection shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee, less Two Dollars (\$2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(d) (i) The Department of Revenue shall deposit all fees that it receives under this subsection into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who, except as otherwise provided in this paragraph (d), shall distribute such collections as follows:

1. Forty-four Dollars (\$44.00) of the additional fees collected from each distinctive license tag issued under this subsection shall be deposited into the State General Fund.

2. One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this

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section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(ii) The Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of Auburn University as follows:

1. Forty-four Dollars (\$44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Adult Education Department of the Rankin County School District for the purpose of providing funds for the Rankin County School District GED Scholarship Endowment.

2. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars (\$2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(iii) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the University of Alabama as follows:

1. Forty-four Dollars (\$44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Friends of Children's Hospital.

2. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant

to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars (\$2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(iv) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the University of South Alabama as follows:

1. Forty-four Dollars (\$44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be deposited into the Mississippi Trauma Care Systems Fund established in Section 41-59-75.

2. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars (\$2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(v) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the Louisiana State University as follows:

1. Forty-four Dollars (\$44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Bayou Bengal Booster Club of Mississippi to be utilized by the club to make

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contributions to charitable organizations that are approved by the Chancellor of Louisiana State University.

2. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars (\$2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(2) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(3) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(4) In order for a distinctive license tag for a university to be issued pursuant to this section, the provisions of Section 27-19-44(3) must be satisfied for such university license tag prior to July 1, 2013.

SECTION 47. Section 27-19-56.22, Mississippi Code of 1972, is amended as follows:

27-19-56.22. (1) Any owner of a motor vehicle who is a resident of this state and who is a member of Alpha Kappa Alpha sorority or Alpha Phi Alpha fraternity, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount of Thirty Dollars (\$30.00), shall be issued a distinctive license tag for each motor vehicle registered in his name identifying such person as a member or supporter of such organization. The distinctive license tags so issued shall display the Greek* * * letters of the organization and shall be of such color and design as the* * * Department of Revenue may prescribe, and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the* * * Department of Revenue. Applicants for an Alpha Phi Alpha distinctive license tag must present either a current or past Alpha Phi Alpha membership card or documentation signed by the president of the local chapter of Alpha Phi Alpha in which the county is located verifying that the applicant is a member of Alpha Phi Alpha Fraternity. The application and the additional fee imposed under subsection (1) of this section, less Two Dollars (\$2.00) to be retained by the tax collector, shall be remitted to the* * * Department of Revenue on a monthly basis as prescribed by the* * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) The distinctive license tag shall be issued for a one-year period. The additional annual fee shall be due and payable at the time of renewal registration.

(4) The* * * Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the* * * Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) (i) Twenty-five Dollars (\$25.00) of each additional fee collected on the distinctive license tags issued to members of Alpha Kappa Alpha Sorority pursuant to this section shall be distributed to the Coleman, Alexander, Possner Foundation.

However, upon the request of a local chapter of Alpha Kappa Alpha Sorority, the Coleman, Alexander, Possner Foundation shall distribute to the local chapter an amount equal to the fees generated by the purchase, on or after the first day of the next month beginning after the date of such request, of the distinctive license tags by members of the local chapter of Alpha Kappa Alpha Sorority and by those members who purchased distinctive license tags by documentation signed by the president of the local chapter of Alpha Kappa Alpha Sorority in which the county is located. The Department of Revenue shall furnish to the Coleman, Alexander, Possner Foundation such information as is necessary for the foundation to distribute the fees in such manner. The Coleman, Alexander, Possner Foundation may deduct an administrative fee in the amount of Two Dollars (\$2.00) from the additional fee generated from the purchase of each distinctive license tag which is distributed to a local chapter of Alpha Kappa Alpha Sorority.

(ii) Twenty-five Dollars (\$25.00) of each additional fee collected on the distinctive license tags issued to members of Alpha Phi Alpha Fraternity pursuant to this section shall be distributed to Alpha Foundation, Inc., of Jackson, Mississippi. However, upon the request of a local chapter of Alpha Phi Alpha Fraternity, Alpha Foundation, Inc., of Jackson, Mississippi, shall distribute to the local chapter an amount equal to the fees generated by the purchase of the distinctive license tags by members of the local chapter of Alpha Phi Alpha Fraternity and by those members who purchased distinctive license tags by documentation signed by the president of the local chapter of Alpha Phi Alpha Fraternity in which the county is located.

(iii) It is the intent of the Legislature that fees paid to the Coleman, Alexander, Possner Foundation, which fees were collected on distinctive license tags issued to members of Alpha Phi Alpha Fraternity before July 1, 2003, shall be paid by the Coleman, Alexander, Possner Foundation to Alpha Foundation, Inc., of Jackson, MS.

(b) One Dollar (\$1.00) of each additional fee collected on the distinctive license tags shall be deposited into the Mississippi* * * Burn* * * Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section

shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) month and year license decals for each distinctive license tag issued under this section, which will expire the same month and year as the license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 48. Section 27-19-56.226, Mississippi Code of 1972, is amended as follows:

27-19-56.226. (1) Beginning with any registration year commencing on or after July 1, 2013, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Southaven High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Southaven High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application

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and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, * * * 2013, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Southaven High School for deposit into its general fund.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

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(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2016.

SECTION 49. Section 27-19-56.200, Mississippi Code of 1972, is amended as follows:

27-19-56.200. (1) Beginning with any registration year commencing on or after July 1, 2013, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Tishomingo County High School. The distinctive license tags so issued shall display the words "Tishomingo County High School" and shall be of such color and design as the* * * Department of

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Revenue, with the advice of the Principal of Tishomingo County High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag:

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the* * * Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the* * * Department of Revenue on a monthly basis as prescribed by the* * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The* * * Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the* * * Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Tishomingo County High School activity fund.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

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(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2016.

SECTION 50. Section 27-19-56.201, Mississippi Code of 1972, is amended as follows:

27-19-56.201. (1) Beginning with any registration year commencing on or after July 1, 2013, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount

provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Belmont High School. The distinctive license tags so issued shall display the words "Belmont High School" and shall be of such color and design as the* * * Department of Revenue, with the advice of the Principal of Belmont High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the* * * Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the* * * Department of Revenue on a monthly basis as prescribed by the* * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The* * * Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the* * * Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to

this section shall be distributed to the Belmont High School activity fund.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2013.

SECTION 51. Section 27-51-41, Mississippi Code of 1972, is amended as follows:

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27-51-41. (1) The exemptions from the provisions of this chapter shall be confined to those persons or property exempted by this chapter or by the provisions of the Constitution of the United States or the State of Mississippi. No exemption as now provided by any other statute shall be valid as against the tax levied by this chapter. Any subsequent exemption from the tax levied hereunder shall be provided by amendment to this section which shall be inserted in the bill at length.

(2) The following shall be exempt from ad valorem taxation:

(a) All motor vehicles, as defined in this chapter, and including motor-propelled farm implements and vehicles, while in the hands of bona fide dealers as merchandise and which are not being operated upon the highways of this state.

(b) All motor vehicles belonging to the federal government or the State of Mississippi or any agencies or instrumentalities thereof.

(c) All motor vehicles owned by any school district in the state.

(d) All motor vehicles owned by any fire protection district incorporated in accordance with Sections 19-5-151 through 19-5-207 or by any fire protection grading district incorporated in accordance with Sections 19-5-215 through 19-5-241.

(e) All motor vehicles owned by units of the Mississippi National Guard.

(f) All motor vehicles which are exempted from highway privilege taxes under Section 27-19-1 et seq.

(g) All motor vehicles operated in this state as common and contract carriers of property, private commercial carriers of property, private carriers of property and buses, all of which have a gross weight in excess of ten thousand (10,000) pounds.

(h) Antique automobiles as defined in Section 27-19-47, and antique pickup trucks as provided for under Section 27-19-47.2, Mississippi Code of 1972.

(i) Street rods as defined in Section 27-19-56.6.

(j) One (1) motor* * * vehicle owned by a disabled American* * * veteran, or by* * * the spouse of a deceased disabled American* * * veteran, who is entitled to purchase

a distinctive license plate or tag in accordance with Section 27-19-53, regardless of the license plate or tag issued to the disabled American veteran or the veteran's spouse if the disabled American veteran is deceased.

(k) One (1) motor vehicle owned by the unremarried surviving spouse of a member of the Armed Forces of the United States who, while on active duty, is killed or dies and one (1) motor vehicle owned by the unremarried surviving spouse of a member of a reserve component of the Armed Forces of the United States or of the National Guard who, while on active duty for training, is killed or dies.

(l) Motor vehicles owned by recipients of the Congressional Medal of Honor or by former prisoners of war, or by spouses of such deceased persons, in accordance with Section 27-19-54.

(m) (i) One (1) private carrier of passengers, as defined in Section 27-19-3, owned by any religious society, ecclesiastical body or any congregation thereof which is used exclusively for such society and not for profit.

(ii) All motor vehicles owned by any such religious society or any educational institution having a seating capacity greater than seven (7) passengers and used exclusively for transporting passengers for religious or educational purposes and not for profit.

(n) All motor vehicles primarily used as rentals under rental agreements with a term of not more than thirty (30) continuous days each and under the control of persons who are engaged in the business of renting such motor vehicles and who are subject to the tax under Section 27-65-231.

(o) Antique motorcycles as defined in Section 27-19-47.1.

(p) One (1) motor vehicle owned by a recipient of the Purple Heart, and one (1) motor vehicle owned by the unremarried surviving spouse of a recipient of the Purple Heart, as provided in Section 27-19-56.5.

(q) Motor vehicles that are eligible to display an authentic historical license plate as provided for in Section 27-19-56.11.

(r) Motor vehicles that are (i) designed or adapted to be used exclusively in the preparation and loading of chemicals or other material for aerial agricultural application to

crops; and (ii) only incidentally used on public roadways in this state.

(s) One (1) motor vehicle owned by the mother of a service member who was killed in action or died in a combat zone after September 11, 2001, while serving in the Armed Forces of the United States as provided for in Section 27-19-56.162.

(t) One (1) motor vehicle owned by the unremarried spouse of a service member who was killed in action or died in a combat zone after September 11, 2001, while serving in the Armed Forces of the United States as provided for in Section 27-19-56.162.

(u) Buses and other motor vehicles that are (a) owned and operated by an entity that has entered into a contract with a school board under Section 37-41-31 for the purpose of transporting students to and from schools and (b) used by the entity for such transportation purposes. This paragraph (u) shall apply to contracts entered into or renewed on or after July 1, 2010.

(v) One (1) motor vehicle owned by a recipient of the Silver Star, and one (1) motor vehicle owned by the unremarried surviving spouse of a recipient of the Silver Star, as provided in Section 27-19-56.284.

(3) Any claim for tax exemption by authority of the above-mentioned code sections or by any other legal authority shall be set out in the application for the road and bridge privilege license, and the specific legal authority for such tax exemption claim shall be cited in said application, and such authority cited shall be shown by the tax collector on the tax receipt as his authority for not collecting such ad valorem taxes, and the tax collector shall carry forward such information in his tax collection reports.

(4) Any motor vehicle driven over the highways of this state to the extent that the owner of such motor vehicle is required to purchase a road and bridge privilege license in this state, yet the legal situs of such motor vehicle is located in another state, shall be exempt from ad valorem taxes authorized by this chapter.

(5) If a taxpayer shall sell, trade or otherwise dispose of a vehicle on which the ad valorem and road and bridge privilege taxes have been paid in any county in the state, he shall remove the license plate from the vehicle. Such license

plate must be surrendered to the issuing authority with the corresponding tax receipt, if required, and credit shall be allowed for the taxes paid for the remaining tax year on like privilege or ad valorem taxes due on another vehicle owned by the seller or transferor or by the seller's or transferor's spouse or dependent child. If the seller or transferor does not elect to receive such credit at the time the license plate is surrendered, the issuing authority shall issue a certificate of credit to the seller or transferor, or to the seller's or transferor's spouse or dependent child, or to any other person, business or corporation, at the direction of the seller or transferor, for the remaining unexpired taxes prorated from the first day of the month following the month in which the license plate is surrendered. The total of such credit may be used by the person or entity to whom the certificate of credit is issued, regardless of the relative amounts attributed to privilege taxes or to county, school or municipal ad valorem taxes. Any credit allowed for taxes due or any certificate of credit issued may be applied to like taxes owed in any county by the person to whom the credit is allowed or by the person possessing the certificate of credit. No credit, however, shall be allowed on the charge made for the license plate. Such license plates surrendered to the tax collector shall be retained by him, and in no event shall such license plate be attached to any vehicle after being surrendered to the tax collector, nor shall any license plate be transferred from one (1) vehicle to any other vehicle.

(6) If the person owning a vehicle subject to taxation under the provisions of this chapter does not operate such vehicle on the highways of this state from the date of acquisition or, if previously registered, from the end of the anniversary month of the tag and decals to the date on which he makes application for a current license tag or decals, he shall pay such ad valorem tax for a period of twelve (12) months beginning with the first day of the month in which he applies for a current license tag or decals under Chapter 19, Title 27, Mississippi Code of 1972. The owner shall submit an affidavit with an application attesting to the fact that the vehicle was not operated on the highways of this state from the date of acquisition or, if previously registered, from the end of the anniversary month of the tag and decals to the date on which he makes application for the current license tag or decals.

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(7) Any person found violating any of the provisions of this section shall be arrested and tried, and if found guilty shall be fined in an amount double the total amount of taxes involved.

SECTION 52. Section 27-19-47, Mississippi Code of 1972, is amended as follows:

27-19-47. (1) Any citizen of the State of Mississippi who owns a registered antique automobile may apply to the tax collector in the county of his legal residence, on forms prescribed by the* * * Department of Revenue, for a special antique automobile plate to be displayed on such antique automobile.

Upon receipt of an application for a special antique automobile plate, on a form prescribed by the* * * department, and upon payment of the fee as prescribed in subsection (2) of this section, the tax collector shall issue to such applicant a special antique automobile plate on a permanent basis, and it shall bear no date, but shall bear the inscription "Antique Car-Mississippi" and shall be valid without renewal as long as the automobile is in existence. This special plate shall be issued for the applicant's use only for such automobile and in the event of a transfer of title, the owner shall surrender the special plate to the tax collector.

Such special antique automobile plate shall be issued in lieu of, and shall have the same legal significance as, ordinary registration plates.

(2) In lieu of the annual license tax and registration fees levied under Mississippi law, a special license tax fee shall be levied on the operation of antique automobiles. The fee for a license shall be Twenty-five Dollars (\$25.00) and it shall be issued on a permanent basis without renewal. The fee, less five percent (5%) thereof to be retained by the county tax collector, shall be remitted to the* * * Department of Revenue on a monthly basis as prescribed by the* * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund. The portion of the fee remitted to the* * * Department of Revenue shall be deposited into the State Treasury on the day it is received and shall be deposited by the State Treasurer into the State General Fund.

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(3) For the purposes of this section, motor vehicles manufactured more than twenty-five (25) years ago shall hereafter be classified as antique automobiles and shall be exempt from all ad valorem taxes levied by both state, municipal, county and other taxing districts.

(4) A person issued a special antique automobile plate under this section and who has completed an active duty career with the Armed Forces of the United States or is a retired member of the Army National Guard, Air National Guard or the United States Reserves, and is entitled to receive a distinctive license plate or tag under Section 27-19-51, may, upon application, receive an emblem or decal developed by the Department of Revenue identifying the person with such organization. The emblem or decal shall be affixed to the special antique automobile plate.

SECTION 53. Section 27-19-47.2, Mississippi Code of 1972, is amended as follows:

27-19-47.2. (1) Any citizen of the State of Mississippi who owns a registered antique pickup truck may apply to the tax collector in the county of his legal residence, on forms prescribed by the* * * Department of Revenue, for a special antique pickup truck plate to be displayed on such antique pickup truck.

Upon receipt of an application for a special antique pickup truck plate, on a form prescribed by the* * * department, and upon payment of the fee as prescribed in subsection (2) of this section, the tax collector shall issue to such applicant a special antique pickup truck plate on a permanent basis, and it shall bear no date, but shall bear the inscription "Antique Pickup Truck-Mississippi" and shall be valid without renewal as long as the pickup truck is in existence. This special plate shall be issued for the applicant's use only for such pickup truck and in the event of a transfer of title, the owner shall surrender the special plate to the tax collector.

Such special antique pickup truck plate shall be issued in lieu of, and shall have the same legal significance as, ordinary registration plates.

(2) In lieu of the annual license tax and registration fees levied under Mississippi law, a special license tax fee shall be levied on the operation of antique pickup trucks. The fee for a license shall be Twenty-five Dollars (\$25.00)

and it shall be issued on a permanent basis without renewal. The fee, less five percent (5%) thereof to be retained by the county tax collector, shall be remitted to the* * * Department of Revenue on a monthly basis as prescribed by the* * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund. The portion of the fee remitted to the Tax Commission shall be deposited into the State Treasury on the day it is received and shall be deposited by the State Treasurer into the State General Fund.

(3) For the purposes of this section, pickup trucks manufactured more than twenty-five (25) years ago shall hereafter be classified as antique pickup trucks and shall be exempt from all ad valorem taxes levied by both state, municipal, county and other taxing districts.

(4) A person issued a special antique pickup truck plate under this section and who has completed an active duty career with the Armed Forces of the United States or is a retired member of the Army National Guard, Air National Guard or the United States Reserves, and is entitled to receive a distinctive license plate or tag under Section 27-19-51, may, upon application, receive an emblem or decal developed by the Department of Revenue identifying the person with such organization. The emblem or decal shall be affixed to the special antique pickup truck plate.

SECTION 54. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 301

Description: Prescription drug benefits; require use of a uniform prior authorization form by health insurers providing.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 508

History of Actions:

1	01/14	(H)	Referred To Insurance; Public Health and Human Services
2	01/22	(H)	DR - TSDP: IN To PH
3	01/24	(H)	DR - TSDPCS: PH To IN
4	01/29	(H)	DR - TSDPCS: IN To PH
5	01/29	(H)	Title Suff Do Pass Comm Sub
6	02/01	(H)	Committee Substitute Adopted
7	02/01	(H)	Amendment Ruled Improper
8	02/01	(H)	Passed {Vote}
9	02/01	(H)	Motion to Reconsider Entered (Currie, Chism, Buck (5th))
10	02/04	(H)	Reconsidered
11	02/04	(H)	Amended
12	02/04	(H)	Passed As Amended {Vote}
13	02/06	(H)	Transmitted To Senate
14	02/15	(S)	Referred To Public Health and Welfare
15	03/05	(S)	Title Suff Do Pass As Amended
16	03/07	(S)	Amended
17	03/07	(S)	Passed As Amended {Vote}
18	03/08	(S)	Returned For Concurrence
19	03/11	(H)	Decline to Concur/Invite Conf
20	03/25	(H)	Conferees Named Chism, Howell, Buck (5th)
21	03/26	(S)	Conferees Named Kirby, Burton, Bryan
22	03/28	(S)	Conference Report Filed

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23	03/28	(H) Conference Report Filed
24	03/29	(H) Conference Report Adopted {Vote}
25	04/02	(S) Conference Report Adopted {Vote}
26	04/08	(H) Enrolled Bill Signed
27	04/08	(S) Enrolled Bill Signed
28	04/23	Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)Improper
[H] Amendment No 2 (Cmte Sub)*Adopted* Voice Vote
[S] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 301

Conference Reports:

Conference Report

----- Additional Information -----

House Committee: Insurance, Public Health and Human Services

Senate Committee: Public Health and Welfare

Principal Author: Howell

Title: AN ACT TO DIRECT HEALTH INSURANCE ISSUERS AND THE DIVISION OF MEDICAID TO USE A SINGLE, STANDARDIZED PRIOR AUTHORIZATION FORM FOR OBTAINING ANY PRIOR AUTHORIZATION FOR PRESCRIPTION DRUG BENEFITS; TO PROVIDE THAT A HEALTH INSURANCE ISSUER SHALL RESPOND WITHIN TWO BUSINESS DAYS UPON RECEIPT OF A COMPLETED PRIOR AUTHORIZATION REQUEST FROM A PRESCRIBING PROVIDER; AND FOR RELATED PURPOSES.

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MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Insurance; Public Health and Human Services

By: Representative Howell

House Bill 301

(As Sent to Governor)

AN ACT TO DIRECT HEALTH INSURANCE ISSUERS AND THE DIVISION OF MEDICAID TO USE A SINGLE, STANDARDIZED PRIOR AUTHORIZATION FORM FOR OBTAINING ANY PRIOR AUTHORIZATION FOR PRESCRIPTION DRUG BENEFITS; TO PROVIDE THAT A HEALTH INSURANCE ISSUER SHALL RESPOND WITHIN TWO BUSINESS DAYS UPON RECEIPT OF A COMPLETED PRIOR AUTHORIZATION REQUEST FROM A PRESCRIBING PROVIDER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section:

(a) "Health benefit plan" means services consisting of medical care, provided directly, through insurance or reimbursement, or otherwise, and including items and services paid for as medical care under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization, or health maintenance organization contract offered by a health insurance issuer. The term "health benefit plan" includes the Medicaid fee-for-service program and any managed care program, coordinated care program, coordinated care organization program or health maintenance organization program implemented by the Division of Medicaid.

(b) "Health insurance issuer" means any entity that offers health insurance coverage through a health benefit plan, policy, or certificate of insurance subject to state law that regulates the business of insurance. "Health insurance issuer" also includes a health maintenance organization, as defined and regulated under Section 83-41-301 et seq., and includes the Division of Medicaid for the services provided by fee-for-service and through any managed care program, coordinated care program, coordinated care organization program or health maintenance organization program implemented by the division.

(c) "Prior authorization" means a utilization management criterion used to seek permission or waiver of a drug to be

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covered under a health benefit plan that provides prescription drug benefits.

(d) "Prior authorization form" means a standardized, uniform application developed by a health insurance issuer for the purpose of obtaining prior authorization.

(2) Notwithstanding any other provision of law to the contrary, in order to establish uniformity in the submission of prior authorization forms, on or after January 1, 2014, a health insurance issuer shall use only a single, standardized prior authorization form for obtaining any prior authorization for prescription drug benefits. The form shall not exceed two (2) pages in length, excluding any instructions or guiding documentation. The form shall also be made available electronically, and the prescribing provider may submit the completed form electronically to the health benefit plan. Additionally, the health insurance issuer shall submit its prior authorization forms to the Mississippi Department of Insurance to be kept on file on or after January 1, 2014. A copy of any subsequent replacements or modifications of a health insurance issuer's prior authorization form shall be filed with the Mississippi Department of Insurance within fifteen (15) days prior to use or implementation of such replacements or modifications.

(3) A health insurance issuer shall respond within two (2) business days upon receipt of a completed prior authorization request from a prescribing provider that was submitted using the standardized prior authorization form required by subsection (2) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 369

Description: Mississippi Charter Schools Act of 2013; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 497

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (H) | Referred To Education |
| 2 | 01/22 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 01/22 | (H) | Read the Third Time |
| 4 | 01/23 | (H) | Committee Substitute Adopted |
| 5 | 01/23 | (H) | Amended |
| 6 | 01/24 | (H) | Passed As Amended {Vote} |
| 7 | 01/24 | (H) | Motion to Reconsider Entered (Baria,
Moore, Clarke) |
| 8 | 01/25 | (H) | Motion to Reconsider Tabled |
| 9 | 01/25 | (H) | Transmitted To Senate |
| 10 | 02/11 | (S) | Referred To Education |
| 11 | 02/28 | (S) | Title Suff Do Pass As Amended |
| 12 | 03/13 | (S) | Amended |
| 13 | 03/13 | (S) | Passed As Amended {Vote} |
| 14 | 03/14 | (S) | Returned For Concurrence |
| 15 | 03/18 | (H) | Decline to Concur/Invite Conf |
| 16 | 03/25 | (H) | Conferees Named Moore, Busby, Mayo |
| 17 | 03/25 | (S) | Conferees Named Tollison, Burton, Simmons
(13th) |
| 18 | 04/01 | (H) | Conference Report Filed |
| 19 | 04/01 | (S) | Conference Report Filed |
| 20 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 21 | 04/02 | (H) | Motion to Reconsider Entered (Evans
(70th), Moore, Clarke) |
| 22 | 04/03 | (H) | Motion to Reconsider Tabled |

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23 04/03 (S) Conference Report Adopted {Vote}
24 04/11 (S) Enrolled Bill Signed
25 04/11 (H) Enrolled Bill Signed
26 04/17 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)*Adopted* Voice Vote
[H] Amendment No 2 (Cmte Sub)Lost {Vote}
[H] Amendment No 3 (Cmte Sub)Lost {Vote}
[H] Amendment No 4 (Cmte Sub)Lost Voice Vote
[H] Amendment No 5 (Cmte Sub)Lost {Vote}
[H] Amendment No 6 (Cmte Sub)Lost {Vote}
[H] Amendment No 7 (Cmte Sub)Lost {Vote}
[H] Amendment No 8 (Cmte Sub)Lost {Vote}
[H] Amendment No 9 (Cmte Sub)Lost {Vote}
[H] Amendment No 10 (Cmte Sub)Lost {Vote}
[H] Amendment No 11 (Cmte Sub)Lost {Vote}
[H] Amendment No 12 (Cmte Sub)Lost {Vote}
[H] Amendment No 13 (Cmte Sub)Lost {Vote}
[H] Amendment No 14 (Cmte Sub)Lost {Vote}
[H] Amendment No 15 (Cmte Sub)Lost {Vote}
[H] Amendment No 16 (Cmte Sub)Lost {Vote}
[H] Amendment No 17 (Cmte Sub)Lost {Vote}
[H] Amendment No 18 (Cmte Sub)Lost {Vote}
[S] Committee Amendment No 1 Replaced by Substitute
[S] Substitute No 1 for Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 369

Conference Reports:

| Conference Report

Code Section: A 011-0046-0001, A 025-0041-0003, A 025-0061-0003, A 031-0007-0001, A 037-0001-0003, A 037-0001-0012, A 037-0001-0013, A 037-0003-0002, A 037-0003-0004, A 037-0003-0005, A 037-0003-0011, A 037-0003-0046, A 037-0003-0049, A 037-0003-0051, A 037-0003-0053, A 037-0003-0061, A 037-0003-0105, A 037-0005-0061, A 037-0007-0455, A 037-0007-0473, A 037-0009-0001, A 037-0009-0103, A 037-0011-0001, A 037-0011-0017, BF 037-0011-0025, A 037-0011-0057, A 037-0013-0021, A 037-0013-0041, A 037-0013-0091, A 037-0015-0001, A 037-0015-0003, A 037-0015-0006, A 037-0015-0009, A 037-0016-0001, A 037-0016-0003, A 037-0017-0001, A 037-0017-0006, A 037-0018-0001, A 037-0021-0003, A 037-0041-0001, A 037-0041-0003, A 037-0041-0023, BF 037-0041-0025, A 037-0041-0031, A 037-0041-0043, A 037-0041-0045, A 037-0041-0049, A 037-0041-0053, BF 037-0041-0057, A 037-0043-0001, BF 037-0043-0039, A 037-0045-0023, A 037-0047-0009, A 037-0143-0011, A 037-0143-0012, A 037-0151-0005, A 037-0151-0007, A 037-0151-0101, A 037-0151-0103, A 037-0057-0107, RP 037-0165-0001, RP 037-0165-0003, RP 037-0165-0005, RP 037-0165-0007, RP 037-0165-0009, RP 037-0165-0011, RP 037-0165-0013, RP 037-0165-0015, RP 037-0165-

0017, RP 037-0165-0019, RP 037-0165-0021, RP 037-0165-0023, RP 037-0165-0025, RP 037-0165-0027

----- Additional Information -----

House Committee: Education

Senate Committee: Education

Principal Author: Moore

Additional Authors: Dixon

Title: AN ACT TO BE KNOWN AS THE “MISSISSIPPI CHARTER SCHOOLS ACT OF 2013”; TO DECLARE THE LEGISLATIVE PURPOSES OF CHARTER SCHOOLS; TO DEFINE CERTAIN TERMS AND PHRASES USED IN THE ACT; TO CREATE THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD AS A STATE AGENCY HAVING EXCLUSIVE CHARTERING JURISDICTION; TO AUTHORIZE THE BOARD TO APPROVE CHARTER SCHOOLS IN CERTAIN SCHOOL DISTRICTS; TO PRESCRIBE THE BOARD’S MEMBERSHIP; TO PROVIDE FOR THE EMPLOYMENT OF AN EXECUTIVE DIRECTOR AND GENERAL COUNSEL FOR THE BOARD; TO PRESCRIBE THE BOARD’S POWERS AND DUTIES; TO PROVIDE FOR FUNDING FOR THE AUTHORIZER BOARD; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE TECHNICAL INFORMATION AND ASSISTANCE TO THE AUTHORIZER; TO REQUIRE THE AUTHORIZER TO ANNUALLY PUBLISH A PAMPHLET ON THE LAWS AND REGULATIONS APPLICABLE TO CHARTER SCHOOLS; TO REQUIRE THE AUTHORIZER TO ANNUALLY DISSEMINATE A REQUEST FOR PROPOSALS FOR CHARTER SCHOOL APPLICATIONS AND TO PRESCRIBE THE REQUIRED COMPONENTS OF CHARTER APPLICATIONS; TO DECLARE THE PURPOSES OF A CHARTER APPLICATION AND TO PROHIBIT A CHARTER APPLICATION FROM SERVING AS A CHARTER CONTRACT; TO ESTABLISH STANDARDS FOR AUTHORIZING CHARTER SCHOOLS WHICH MUST BE EQUAL TO NATIONALLY ESTABLISHED BEST PRACTICES; TO PRESCRIBE THE PROCESS BY WHICH THE AUTHORIZER MUST REVIEW AND MAKE DECISIONS ON CHARTER SCHOOL APPLICATIONS; TO ESTABLISH AN INITIAL TERM OF FIVE YEARS FOR CHARTER CONTRACTS AND TO PRESCRIBE CERTAIN REQUIREMENTS FOR EXECUTING CHARTER CONTRACTS; TO ESTABLISH REQUIREMENTS RELATING TO THE ENROLLMENT OF STUDENTS IN CHARTER SCHOOLS RESIDING IN THE GEOGRAPHICAL BOUNDARIES OF THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED AND A LOTTERY PROCESS FOR SELECTING STUDENTS WHEN CAPACITY IS INSUFFICIENT TO ENROLL ALL STUDENTS DESIRING TO ATTEND A CHARTER SCHOOL; TO ESTABLISH CERTAIN ENROLLMENT PREFERENCES; TO REQUIRE ALL PUBLIC SCHOOLS IN THE STATE TO ACCEPT TRANSFER CREDITS FROM CHARTER SCHOOLS; TO REQUIRE SCHOOL DISTRICTS TO PUBLICIZE INFORMATION ABOUT CHARTER SCHOOLS TO THE SAME EXTENT AS NONCHARTER PUBLIC SCHOOLS; TO REQUIRE EACH CHARTER CONTRACT TO INCLUDE A PERFORMANCE

FRAMEWORK SETTING FORTH THE ACADEMIC AND OPERATIONAL PERFORMANCE STANDARDS THAT THE AUTHORIZER WILL USE TO GUIDE ITS EVALUATIONS OF THE CHARTER SCHOOL; TO REQUIRE THE AUTHORIZER TO ANNUALLY MONITOR THE PERFORMANCE OF CHARTER SCHOOLS AND TO ASSIST THE CHARTER SCHOOL IN TAKING CORRECTIVE ACTION WHEN NECESSARY; TO ESTABLISH PROCESSES FOR RENEWING AND REVOKING CHARTER SCHOOL CONTRACTS; TO REQUIRE THE AUTHORIZER TO DEVELOP A CHARTER SCHOOL CLOSURE PROTOCOL FOR A CHARTER SCHOOL THAT IS TO BE CLOSED AND TO PROVIDE FOR THE DISBURSEMENT OF UNSPENT FUNDS AND ASSETS; TO REQUIRE THE AUTHORIZER BOARD TO ANNUALLY REPORT TO THE GOVERNOR AND LEGISLATURE ON THE STATUS OF CHARTER SCHOOLS OPERATING IN THE STATE; TO REQUIRE A CHARTER SCHOOL AND ANY EDUCATION SERVICE PROVIDER WHICH PROVIDES COMPREHENSIVE MANAGEMENT FOR A CHARTER SCHOOL TO BE A NONPROFIT EDUCATION ORGANIZATION THAT FUNCTIONS AS A LOCAL EDUCATIONAL AGENCY; TO PRESCRIBE CERTAIN POWERS RELATING TO THE FISCAL AND OPERATIONAL MANAGEMENT OF A CHARTER SCHOOL WHICH MAY BE EXERCISED BY THE SCHOOL; TO PROHIBIT CHARTER SCHOOLS FROM ENGAGING IN DISCRIMINATION AND FROM CHARGING TUITION; TO PROVIDE THAT CHARTER SCHOOLS ARE NOT SUBJECT TO RULES AND REGULATIONS ADOPTED BY THE STATE BOARD OF EDUCATION OR THE SCHOOL BOARD OF THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED; TO ENUMERATE CERTAIN STATUTES FROM WHICH CHARTER SCHOOLS ARE NOT EXEMPT; TO PRESCRIBE CERTAIN QUALIFICATIONS OF EMPLOYEES OF CHARTER SCHOOLS; TO REQUIRE AT LEAST SEVENTY-FIVE PERCENT OF TEACHERS IN A CHARTER SCHOOL TO BE LICENSED BY THE STATE WHEN THE INITIAL CHARTER APPLICATION IS APPROVED; TO EXEMPT ADMINISTRATORS FROM STATE LICENSURE REQUIREMENTS; TO PROHIBIT CHARTER SCHOOL EMPLOYEES FROM PARTICIPATING IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR CHARTER SCHOOL EMPLOYEES; TO AUTHORIZE CHARTER SCHOOLS TO PARTICIPATE IN STATE AND DISTRICT SPONSORED ATHLETIC AND ACADEMIC INTERSCHOLASTIC LEAGUES AND COMPETITIONS; TO REQUIRE CHARTER SCHOOLS TO CERTIFY AVERAGE DAILY ATTENDANCE AND QUALIFY FOR STATE ADEQUATE EDUCATION PROGRAM ALLOCATIONS ON A PER-PUPIL BASIS; TO AUTHORIZE LOCAL FUNDING FOR CHARTER SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO MAKE ADEQUATE EDUCATION PROGRAM PAYMENTS TO CHARTER SCHOOLS BASED ON THE SCHOOL'S AVERAGE DAILY ATTENDANCE; TO AUTHORIZE EQUAL TRANSPORTATION FUNDING UNDER THE ADEQUATE EDUCATION PROGRAM FOR CHARTER SCHOOLS; TO REQUIRE CHARTER SCHOOLS TO UNDERGO AN ANNUAL FINANCIAL AUDIT; TO PROVIDE THAT FUNDS REMAINING IN A CHARTER SCHOOL'S ACCOUNTS AT THE END OF A YEAR

MUST REMAIN IN THE SCHOOL'S ACCOUNTS FOR USE IN SUBSEQUENT YEARS; TO AUTHORIZE CHARTER SCHOOLS TO ACCEPT GIFTS, DONATIONS AND GRANTS; TO GRANT CHARTER SCHOOLS THE RIGHT OF FIRST REFUSAL TO VACANT SCHOOL FACILITIES AND PROPERTY AND TO AUTHORIZE THE USE OF PUBLIC SPACE FOR CHARTER SCHOOL OPERATIONS UNDER PREEXISTING ZONING REGULATIONS; TO AMEND SECTION 11-46-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "EMPLOYEE" AND "POLITICAL SUBDIVISION," AS THOSE TERMS ARE USED UNDER THE TORT CLAIMS ACT, TO EXTEND COVERAGE FOR TORTS TO CHARTER SCHOOLS; TO AMEND SECTION 25-41-3, MISSISSIPPI CODE OF 1972, TO INCLUDE THE GOVERNING BOARD OF A CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS USED UNDER THE OPEN MEETINGS LAWS; TO AMEND SECTION 25-61-3, MISSISSIPPI CODE OF 1972, TO INCLUDE THE GOVERNING BOARD OF A CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS USED UNDER THE PUBLIC RECORDS ACT; TO AMEND SECTION 31-7-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "AGENCY" AND "GOVERNING AUTHORITY," AS THOSE TERMS ARE USED IN THE PUBLIC PURCHASING LAWS, TO EXEMPT CHARTER SCHOOLS FROM REQUIREMENTS RELATING TO PUBLIC PURCHASES; TO AMEND SECTION 37-1-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE NOT BOUND TO THE CURRICULUM ADOPTED BY THE STATE BOARD OF EDUCATION FOR SCHOOL DISTRICTS; TO AMEND SECTION 37-1-12, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM CERTAIN ANNUAL REPORTING REQUIREMENTS ESTABLISHED BY THE STATE BOARD OF EDUCATION; TO AMEND SECTION 37-1-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT REGULATIONS REGARDING RELOCATABLE CLASSROOMS ISSUED BY THE STATE BOARD OF EDUCATION ARE NOT APPLICABLE TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE LIMITATIONS ON THE EMPLOYMENT OF NONLICENSED TEACHERS WHICH ARE APPLICABLE TO SCHOOL DISTRICTS DO NOT APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-4, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM CONTINUING EDUCATION REQUIREMENTS FOR SCHOOL DISTRICT ADMINISTRATORS AND PRINCIPALS; TO AMEND SECTION 37-3-5, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE GENERAL DUTIES OF THE STATE DEPARTMENT OF EDUCATION RELATE TO PUBLIC SCHOOL DISTRICTS; TO AMEND SECTION 37-3-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE DUTY OF THE STATE SUPERINTENDENT OF PUBLIC EDUCATION TO RECOMMEND RULES GOVERNING PUBLIC EDUCATION RELATES TO THE SUPERVISION OF PUBLIC SCHOOL DISTRICTS; TO AMEND SECTION 37-3-46, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE DUTY OF THE STATE DEPARTMENT OF EDUCATION TO ASSIST CERTAIN SCHOOLS IN ESTABLISHING A PROGRAM OF EDUCATIONAL ACCOUNTABILITY DOES NOT

APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-49, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT REQUIREMENTS RELATING TO THE ADOPTION OF INSTRUCTIONAL PROGRAMS AND MANAGEMENT SYSTEMS DO NOT APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-51, MISSISSIPPI CODE OF 1972, TO REQUIRE NOTICE TO BE GIVEN TO THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD OF THE CONVICTION OF CHARTER SCHOOL EMPLOYEES OF CERTAIN FELONIES AND SEX OFFENSES; TO AMEND SECTION 37-3-53, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI REPORT CARD TO INCLUDE DATA ON CHARTER SCHOOLS; TO AMEND SECTION 37-3-61, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE NOT REQUIRED TO PARTICIPATE IN THE ALLIANCE FOR FAMILIES PROGRAM; TO AMEND SECTION 37-3-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOL TEACHERS ARE EXEMPT FROM IN-SERVICE TRAINING REQUIREMENTS IN RESEARCH-BASED READING METHODS; TO AMEND SECTION 37-5-61, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT COUNTY SUPERINTENDENTS OF EDUCATION HAVE NO AUTHORITY OVER CHARTER SCHOOLS; TO AMEND SECTION 37-7-455, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SCHOOL DISTRICT PROPERTY NO LONGER NEEDED FOR SCHOOL PURPOSES MAY BE DISPOSED OF AFTER THE CHARTER SCHOOLS LOCATED IN THE DISTRICT HAVE ELECTED NOT TO USE THEIR RIGHT OF FIRST REFUSAL; TO AMEND SECTION 37-7-473, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT SCHOOL DISTRICT PROPERTY MAY BE SOLD OR LEASED TO CHARTER SCHOOLS; TO AMEND SECTION 37-9-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CERTAIN STATUTES RELATING TO SCHOOL DISTRICT SUPERINTENDENTS AND EMPLOYEES ARE NOT APPLICABLE TO CHARTER SCHOOLS UNLESS SPECIFICALLY PROVIDED OTHERWISE; TO AMEND SECTION 37-9-103, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE EDUCATION EMPLOYMENT PROCEDURES LAW DOES NOT APPLY TO CHARTER SCHOOL TEACHERS AND ADMINISTRATORS; TO AMEND SECTION 37-11-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE EXEMPT FROM RESTRICTIONS REGARDING THE ASSIGNMENT OF STUDENTS TO PARTICULAR CLASSROOMS; TO AMEND SECTION 37-11-17, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOL STUDENTS FROM ANY SCREENING FOR ABNORMAL SPINAL CURVATURE WHICH MAY BE REQUIRED IN SCHOOLS BY THE STATE BOARD OF EDUCATION; TO BRING FORWARD SECTION 37-11-25, MISSISSIPPI CODE OF 1972, WHICH CREATES A MISDEMEANOR FOR SCHOOL OFFICIALS HAVING AN INTEREST IN THE PROCEEDS OF SALES OR RENTALS OF PROPERTY USED IN PUBLIC SCHOOLS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972, TO INCLUDE CHARTER SCHOOL EMPLOYEES IN THE PROVISIONS GRANTING PUBLIC SCHOOL PERSONNEL IMMUNITY FOR ACTIONS RELATING TO THE CONTROL AND DISCIPLINE OF STUDENTS; TO AMEND SECTION 37-13-21, MISSISSIPPI CODE

OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE EXEMPT FROM PARTICIPATING IN HEALTH EDUCATION PROGRAMS PROVIDED BY THE STATE BOARD OF HEALTH AND COUNTY HEALTH DEPARTMENTS; TO AMEND SECTION 37-13-41, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM REPORTING REQUIREMENTS RELATING TO THE TYPE AND AMOUNT OF WORK PERFORMED IN EACH GRADE; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOL STUDENTS MUST COMPLY WITH THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; TO AMEND SECTIONS 37-15-1 AND 37-15-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS MUST MAINTAIN PERMANENT STUDENT RECORDS AND CUMULATIVE FOLDERS IN THE SAME MANNER AS NONCHARTER PUBLIC SCHOOLS; TO AMEND SECTION 37-15-6, MISSISSIPPI CODE OF 1972, TO REQUIRE CHARTER SCHOOLS TO SUBMIT INFORMATION REGARDING EXPULSIONS TO THE STATE DEPARTMENT OF EDUCATION FOR INCLUSION IN THE CENTRAL REPORTING SYSTEM; TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT MINIMUM AGE REQUIREMENTS FOR KINDERGARTEN AND FIRST GRADE ENROLLMENT ARE APPLICABLE TO CHARTER SCHOOL STUDENTS; TO AMEND SECTIONS 37-16-1 AND 37-16-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS MUST PARTICIPATE IN THE STATEWIDE ASSESSMENT TESTING PROGRAM; TO AMEND SECTION 37-17-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A CHARTER SCHOOL AUTHORIZED BY THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD MUST BE GRANTED ACCREDITATION BY THE STATE BOARD OF EDUCATION BASED SOLELY ON THE CHARTER SCHOOL'S APPROVAL BY THE AUTHORIZER; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE PERFORMANCE-BASED ACCREDITATION SYSTEM CREATED BY THE STATE BOARD OF EDUCATION APPLIES ONLY TO NONCHARTER PUBLIC SCHOOLS; TO AMEND SECTION 37-18-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS MAY BE RECOGNIZED FOR IMPROVEMENT BY THE STATE BOARD OF EDUCATION THROUGH THE SUPERIOR-PERFORMING AND EXEMPLARY SCHOOLS PROGRAMS; TO AMEND SECTION 37-21-3, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOL EMPLOYEES FROM CERTAIN EDUCATIONAL QUALIFICATIONS REQUIRED OF EARLY CHILDHOOD PROGRAM EMPLOYEES; TO AMEND SECTIONS 37-41-1, 37-41-3 AND 37-41-23, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE REQUIREMENTS RELATING TO THE TRANSPORTATION OF STUDENTS AND SCHOOL BUSES ARE NOT APPLICABLE TO CHARTER SCHOOLS; TO BRING FORWARD SECTION 37-41-25, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES PENALTIES FOR FALSE REPORTS RELATING TO STUDENT TRANSPORTATION BY SCHOOL OFFICIALS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 37-41-31, 37-41-43, 37-41-45, 37-41-49 AND 37-41-53, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD SECTION 37-41-57,

MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE STATE BOARD OF EDUCATION TO ADOPT REGULATIONS GOVERNING THE DESIGN AND OPERATION OF SCHOOL BUSES, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-43-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE NOT PARTICIPANTS IN THE STATE TEXTBOOK PROGRAM; TO BRING FORWARD SECTION 37-43-39, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-45-23, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE EXEMPT FROM THE REQUIREMENT OF HAVING THE STATE BOARD OF EDUCATION APPROVE PLANS FOR THE LOCATION AND CONSTRUCTION OF SCHOOL BUILDINGS; TO AMEND SECTION 37-47-9, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT ANNUAL GRANTS BY THE STATE FOR THE CONSTRUCTION OF SCHOOL FACILITIES ARE PAYABLE TO SCHOOL DISTRICTS ONLY; TO AMEND SECTION 37-143-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE RECIPIENTS OF WILLIAM F. WINTER TEACHER SCHOLARSHIPS TO DISCHARGE THEIR TEACHING OBLIGATIONS IN CHARTER SCHOOLS; TO AMEND SECTION 37-143-12, MISSISSIPPI CODE OF 1972, TO AUTHORIZE PARTICIPANTS IN THE SPEECH-LANGUAGE PATHOLOGISTS LOAN FORGIVENESS PROGRAM TO DISCHARGE THEIR LOANS BY RENDERING SERVICE IN A CHARTER SCHOOL; TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "CHARTER SCHOOL" AS USED UNDER THE ADEQUATE EDUCATION PROGRAM; TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF 1972, TO CONFORM THE ADEQUATE EDUCATION PROGRAM FUNDING FORMULA TO THE ALLOCATION OF FUNDS TO CHARTER SCHOOLS; TO AMEND SECTIONS 37-151-101 AND 37-151-103, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE DISTRIBUTION OF STATE FUNDS TO CHARTER SCHOOLS AT THE SAME TIME AND IN THE SAME MANNER SUCH FUNDS ARE PAID TO SCHOOL DISTRICTS; TO AMEND SECTION 37-57-107, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH SCHOOL DISTRICT IN WHICH A CHARTER SCHOOL IS LOCATED TO TRANSFER TO THE CHARTER SCHOOL ITS PER PUPIL PRO RATA SHARE OF LOCAL AD VALOREM SCHOOL DISTRICT MAINTENANCE FUNDS; TO REPEAL SECTIONS 37-165-1 THROUGH 37-165-27, MISSISSIPPI CODE OF 1972, WHICH ARE THE CONVERSION CHARTER SCHOOL ACT OF 2010; TO PROVIDE FOR THE REPEAL OF THE MISSISSIPPI CHARTER SCHOOLS ACT OF 2013 ON JULY 1, 2020; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 369

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education

By: Representatives Moore, Dixon

House Bill 369

(As Sent to Governor)

AN ACT TO BE KNOWN AS THE "MISSISSIPPI CHARTER SCHOOLS ACT OF 2013"; TO DECLARE THE LEGISLATIVE PURPOSES OF CHARTER SCHOOLS; TO DEFINE CERTAIN TERMS AND PHRASES USED IN THE ACT; TO CREATE THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD AS A STATE AGENCY HAVING EXCLUSIVE CHARTERING JURISDICTION; TO AUTHORIZE THE BOARD TO APPROVE CHARTER SCHOOLS IN CERTAIN SCHOOL DISTRICTS; TO PRESCRIBE THE BOARD'S MEMBERSHIP; TO PROVIDE FOR THE EMPLOYMENT OF AN EXECUTIVE DIRECTOR AND GENERAL COUNSEL FOR THE BOARD; TO PRESCRIBE THE BOARD'S POWERS AND DUTIES; TO PROVIDE FOR FUNDING FOR THE AUTHORIZER BOARD; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE TECHNICAL INFORMATION AND ASSISTANCE TO THE AUTHORIZER; TO REQUIRE THE AUTHORIZER TO ANNUALLY PUBLISH A PAMPHLET ON THE LAWS AND REGULATIONS APPLICABLE TO CHARTER SCHOOLS; TO REQUIRE THE AUTHORIZER TO ANNUALLY DISSEMINATE A REQUEST FOR PROPOSALS FOR CHARTER SCHOOL APPLICATIONS AND TO PRESCRIBE THE REQUIRED COMPONENTS OF CHARTER APPLICATIONS; TO DECLARE THE PURPOSES OF A CHARTER APPLICATION AND TO PROHIBIT A CHARTER APPLICATION FROM SERVING AS A CHARTER CONTRACT; TO ESTABLISH STANDARDS FOR AUTHORIZING CHARTER SCHOOLS WHICH MUST BE EQUAL TO NATIONALLY ESTABLISHED BEST PRACTICES; TO PRESCRIBE THE PROCESS BY WHICH THE AUTHORIZER MUST REVIEW AND MAKE DECISIONS ON CHARTER SCHOOL APPLICATIONS; TO ESTABLISH AN INITIAL TERM OF FIVE YEARS FOR CHARTER CONTRACTS AND TO PRESCRIBE CERTAIN REQUIREMENTS FOR EXECUTING CHARTER CONTRACTS; TO ESTABLISH REQUIREMENTS RELATING TO THE ENROLLMENT OF STUDENTS IN CHARTER SCHOOLS RESIDING IN THE GEOGRAPHICAL BOUNDARIES OF THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED AND A LOTTERY PROCESS FOR SELECTING STUDENTS WHEN CAPACITY IS INSUFFICIENT TO ENROLL ALL STUDENTS DESIRING TO ATTEND A CHARTER SCHOOL; TO ESTABLISH CERTAIN ENROLLMENT PREFERENCES; TO REQUIRE ALL PUBLIC SCHOOLS IN THE STATE TO ACCEPT TRANSFER CREDITS FROM CHARTER SCHOOLS; TO REQUIRE SCHOOL DISTRICTS TO PUBLICIZE INFORMATION ABOUT CHARTER SCHOOLS TO THE SAME EXTENT AS NONCHARTER PUBLIC SCHOOLS; TO REQUIRE EACH CHARTER CONTRACT

TO INCLUDE A PERFORMANCE FRAMEWORK SETTING FORTH THE ACADEMIC AND OPERATIONAL PERFORMANCE STANDARDS THAT THE AUTHORIZER WILL USE TO GUIDE ITS EVALUATIONS OF THE CHARTER SCHOOL; TO REQUIRE THE AUTHORIZER TO ANNUALLY MONITOR THE PERFORMANCE OF CHARTER SCHOOLS AND TO ASSIST THE CHARTER SCHOOL IN TAKING CORRECTIVE ACTION WHEN NECESSARY; TO ESTABLISH PROCESSES FOR RENEWING AND REVOKING CHARTER SCHOOL CONTRACTS; TO REQUIRE THE AUTHORIZER TO DEVELOP A CHARTER SCHOOL CLOSURE PROTOCOL FOR A CHARTER SCHOOL THAT IS TO BE CLOSED AND TO PROVIDE FOR THE DISBURSEMENT OF UNSPENT FUNDS AND ASSETS; TO REQUIRE THE AUTHORIZER BOARD TO ANNUALLY REPORT TO THE GOVERNOR AND LEGISLATURE ON THE STATUS OF CHARTER SCHOOLS OPERATING IN THE STATE; TO REQUIRE A CHARTER SCHOOL AND ANY EDUCATION SERVICE PROVIDER WHICH PROVIDES COMPREHENSIVE MANAGEMENT FOR A CHARTER SCHOOL TO BE A NONPROFIT EDUCATION ORGANIZATION THAT FUNCTIONS AS A LOCAL EDUCATIONAL AGENCY; TO PRESCRIBE CERTAIN POWERS RELATING TO THE FISCAL AND OPERATIONAL MANAGEMENT OF A CHARTER SCHOOL WHICH MAY BE EXERCISED BY THE SCHOOL; TO PROHIBIT CHARTER SCHOOLS FROM ENGAGING IN DISCRIMINATION AND FROM CHARGING TUITION; TO PROVIDE THAT CHARTER SCHOOLS ARE NOT SUBJECT TO RULES AND REGULATIONS ADOPTED BY THE STATE BOARD OF EDUCATION OR THE SCHOOL BOARD OF THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED; TO ENUMERATE CERTAIN STATUTES FROM WHICH CHARTER SCHOOLS ARE NOT EXEMPT; TO PRESCRIBE CERTAIN QUALIFICATIONS OF EMPLOYEES OF CHARTER SCHOOLS; TO REQUIRE AT LEAST SEVENTY-FIVE PERCENT OF TEACHERS IN A CHARTER SCHOOL TO BE LICENSED BY THE STATE WHEN THE INITIAL CHARTER APPLICATION IS APPROVED; TO EXEMPT ADMINISTRATORS FROM STATE LICENSURE REQUIREMENTS; TO PROHIBIT CHARTER SCHOOL EMPLOYEES FROM PARTICIPATING IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR CHARTER SCHOOL EMPLOYEES; TO AUTHORIZE CHARTER SCHOOLS TO PARTICIPATE IN STATE AND DISTRICT SPONSORED ATHLETIC AND ACADEMIC INTERSCHOLASTIC LEAGUES AND COMPETITIONS; TO REQUIRE CHARTER SCHOOLS TO CERTIFY AVERAGE DAILY ATTENDANCE AND QUALIFY FOR STATE ADEQUATE EDUCATION PROGRAM ALLOCATIONS ON A PER-PUPIL BASIS; TO AUTHORIZE LOCAL FUNDING FOR CHARTER SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO MAKE ADEQUATE EDUCATION PROGRAM PAYMENTS TO CHARTER SCHOOLS BASED ON THE SCHOOL'S AVERAGE DAILY ATTENDANCE; TO AUTHORIZE EQUAL TRANSPORTATION FUNDING UNDER THE ADEQUATE EDUCATION PROGRAM FOR CHARTER SCHOOLS; TO REQUIRE CHARTER SCHOOLS TO UNDERGO AN ANNUAL FINANCIAL AUDIT; TO PROVIDE THAT FUNDS REMAINING IN A

CHARTER SCHOOL'S ACCOUNTS AT THE END OF A YEAR MUST REMAIN IN THE SCHOOL'S ACCOUNTS FOR USE IN SUBSEQUENT YEARS; TO AUTHORIZE CHARTER SCHOOLS TO ACCEPT GIFTS, DONATIONS AND GRANTS; TO GRANT CHARTER SCHOOLS THE RIGHT OF FIRST REFUSAL TO VACANT SCHOOL FACILITIES AND PROPERTY AND TO AUTHORIZE THE USE OF PUBLIC SPACE FOR CHARTER SCHOOL OPERATIONS UNDER PREEXISTING ZONING REGULATIONS; TO AMEND SECTION 11-46-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "EMPLOYEE" AND "POLITICAL SUBDIVISION," AS THOSE TERMS ARE USED UNDER THE TORT CLAIMS ACT, TO EXTEND COVERAGE FOR TORTS TO CHARTER SCHOOLS; TO AMEND SECTION 25-41-3, MISSISSIPPI CODE OF 1972, TO INCLUDE THE GOVERNING BOARD OF A CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS USED UNDER THE OPEN MEETINGS LAWS; TO AMEND SECTION 25-61-3, MISSISSIPPI CODE OF 1972, TO INCLUDE THE GOVERNING BOARD OF A CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS USED UNDER THE PUBLIC RECORDS ACT; TO AMEND SECTION 31-7-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "AGENCY" AND "GOVERNING AUTHORITY," AS THOSE TERMS ARE USED IN THE PUBLIC PURCHASING LAWS, TO EXEMPT CHARTER SCHOOLS FROM REQUIREMENTS RELATING TO PUBLIC PURCHASES; TO AMEND SECTION 37-1-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE NOT BOUND TO THE CURRICULUM ADOPTED BY THE STATE BOARD OF EDUCATION FOR SCHOOL DISTRICTS; TO AMEND SECTION 37-1-12, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM CERTAIN ANNUAL REPORTING REQUIREMENTS ESTABLISHED BY THE STATE BOARD OF EDUCATION; TO AMEND SECTION 37-1-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT REGULATIONS REGARDING RELOCATABLE CLASSROOMS ISSUED BY THE STATE BOARD OF EDUCATION ARE NOT APPLICABLE TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE LIMITATIONS ON THE EMPLOYMENT OF NONLICENSED TEACHERS WHICH ARE APPLICABLE TO SCHOOL DISTRICTS DO NOT APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-4, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM CONTINUING EDUCATION REQUIREMENTS FOR SCHOOL DISTRICT ADMINISTRATORS AND PRINCIPALS; TO AMEND SECTION 37-3-5, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE GENERAL DUTIES OF THE STATE DEPARTMENT OF EDUCATION RELATE TO PUBLIC SCHOOL DISTRICTS; TO AMEND SECTION 37-3-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE DUTY OF THE STATE SUPERINTENDENT OF PUBLIC EDUCATION TO RECOMMEND RULES GOVERNING PUBLIC EDUCATION RELATES TO THE SUPERVISION OF PUBLIC SCHOOL DISTRICTS; TO AMEND SECTION 37-3-46, MISSISSIPPI CODE OF

1972, TO CLARIFY THAT THE DUTY OF THE STATE DEPARTMENT OF EDUCATION TO ASSIST CERTAIN SCHOOLS IN ESTABLISHING A PROGRAM OF EDUCATIONAL ACCOUNTABILITY DOES NOT APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-49, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT REQUIREMENTS RELATING TO THE ADOPTION OF INSTRUCTIONAL PROGRAMS AND MANAGEMENT SYSTEMS DO NOT APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-51, MISSISSIPPI CODE OF 1972, TO REQUIRE NOTICE TO BE GIVEN TO THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD OF THE CONVICTION OF CHARTER SCHOOL EMPLOYEES OF CERTAIN FELONIES AND SEX OFFENSES; TO AMEND SECTION 37-3-53, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI REPORT CARD TO INCLUDE DATA ON CHARTER SCHOOLS; TO AMEND SECTION 37-3-61, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE NOT REQUIRED TO PARTICIPATE IN THE ALLIANCE FOR FAMILIES PROGRAM; TO AMEND SECTION 37-3-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOL TEACHERS ARE EXEMPT FROM IN-SERVICE TRAINING REQUIREMENTS IN RESEARCH-BASED READING METHODS; TO AMEND SECTION 37-5-61, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT COUNTY SUPERINTENDENTS OF EDUCATION HAVE NO AUTHORITY OVER CHARTER SCHOOLS; TO AMEND SECTION 37-7-455, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SCHOOL DISTRICT PROPERTY NO LONGER NEEDED FOR SCHOOL PURPOSES MAY BE DISPOSED OF AFTER THE CHARTER SCHOOLS LOCATED IN THE DISTRICT HAVE ELECTED NOT TO USE THEIR RIGHT OF FIRST REFUSAL; TO AMEND SECTION 37-7-473, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT SCHOOL DISTRICT PROPERTY MAY BE SOLD OR LEASED TO CHARTER SCHOOLS; TO AMEND SECTION 37-9-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CERTAIN STATUTES RELATING TO SCHOOL DISTRICT SUPERINTENDENTS AND EMPLOYEES ARE NOT APPLICABLE TO CHARTER SCHOOLS UNLESS SPECIFICALLY PROVIDED OTHERWISE; TO AMEND SECTION 37-9-103, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE EDUCATION EMPLOYMENT PROCEDURES LAW DOES NOT APPLY TO CHARTER SCHOOL TEACHERS AND ADMINISTRATORS; TO AMEND SECTION 37-11-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE EXEMPT FROM RESTRICTIONS REGARDING THE ASSIGNMENT OF STUDENTS TO PARTICULAR CLASSROOMS; TO AMEND SECTION 37-11-17, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOL STUDENTS FROM ANY SCREENING FOR ABNORMAL SPINAL CURVATURE WHICH MAY BE REQUIRED IN SCHOOLS BY THE STATE BOARD OF EDUCATION; TO BRING FORWARD SECTION 37-11-25, MISSISSIPPI CODE OF 1972, WHICH CREATES A MISDEMEANOR FOR SCHOOL OFFICIALS HAVING AN INTEREST IN THE PROCEEDS OF SALES OR RENTALS OF PROPERTY USED IN PUBLIC SCHOOLS, FOR PURPOSES OF POSSIBLE

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AMENDMENT; TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972, TO INCLUDE CHARTER SCHOOL EMPLOYEES IN THE PROVISIONS GRANTING PUBLIC SCHOOL PERSONNEL IMMUNITY FOR ACTIONS RELATING TO THE CONTROL AND DISCIPLINE OF STUDENTS; TO AMEND SECTION 37-13-21, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE EXEMPT FROM PARTICIPATING IN HEALTH EDUCATION PROGRAMS PROVIDED BY THE STATE BOARD OF HEALTH AND COUNTY HEALTH DEPARTMENTS; TO AMEND SECTION 37-13-41, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM REPORTING REQUIREMENTS RELATING TO THE TYPE AND AMOUNT OF WORK PERFORMED IN EACH GRADE; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOL STUDENTS MUST COMPLY WITH THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; TO AMEND SECTIONS 37-15-1 AND 37-15-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS MUST MAINTAIN PERMANENT STUDENT RECORDS AND CUMULATIVE FOLDERS IN THE SAME MANNER AS NONCHARTER PUBLIC SCHOOLS; TO AMEND SECTION 37-15-6, MISSISSIPPI CODE OF 1972, TO REQUIRE CHARTER SCHOOLS TO SUBMIT INFORMATION REGARDING EXPULSIONS TO THE STATE DEPARTMENT OF EDUCATION FOR INCLUSION IN THE CENTRAL REPORTING SYSTEM; TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT MINIMUM AGE REQUIREMENTS FOR KINDERGARTEN AND FIRST GRADE ENROLLMENT ARE APPLICABLE TO CHARTER SCHOOL STUDENTS; TO AMEND SECTIONS 37-16-1 AND 37-16-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS MUST PARTICIPATE IN THE STATEWIDE ASSESSMENT TESTING PROGRAM; TO AMEND SECTION 37-17-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A CHARTER SCHOOL AUTHORIZED BY THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD MUST BE GRANTED ACCREDITATION BY THE STATE BOARD OF EDUCATION BASED SOLELY ON THE CHARTER SCHOOL'S APPROVAL BY THE AUTHORIZER; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE PERFORMANCE-BASED ACCREDITATION SYSTEM CREATED BY THE STATE BOARD OF EDUCATION APPLIES ONLY TO NONCHARTER PUBLIC SCHOOLS; TO AMEND SECTION 37-18-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS MAY BE RECOGNIZED FOR IMPROVEMENT BY THE STATE BOARD OF EDUCATION THROUGH THE SUPERIOR-PERFORMING AND EXEMPLARY SCHOOLS PROGRAMS; TO AMEND SECTION 37-21-3, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOL EMPLOYEES FROM CERTAIN EDUCATIONAL QUALIFICATIONS REQUIRED OF EARLY CHILDHOOD PROGRAM EMPLOYEES; TO AMEND SECTIONS 37-41-1, 37-41-3 AND 37-41-23, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE REQUIREMENTS RELATING TO THE TRANSPORTATION OF STUDENTS AND SCHOOL BUSES ARE NOT APPLICABLE

TO CHARTER SCHOOLS; TO BRING FORWARD SECTION 37-41-25, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES PENALTIES FOR FALSE REPORTS RELATING TO STUDENT TRANSPORTATION BY SCHOOL OFFICIALS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 37-41-31, 37-41-43, 37-41-45, 37-41-49 AND 37-41-53, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD SECTION 37-41-57, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE STATE BOARD OF EDUCATION TO ADOPT REGULATIONS GOVERNING THE DESIGN AND OPERATION OF SCHOOL BUSES, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-43-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE NOT PARTICIPANTS IN THE STATE TEXTBOOK PROGRAM; TO BRING FORWARD SECTION 37-43-39, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-45-23, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE EXEMPT FROM THE REQUIREMENT OF HAVING THE STATE BOARD OF EDUCATION APPROVE PLANS FOR THE LOCATION AND CONSTRUCTION OF SCHOOL BUILDINGS; TO AMEND SECTION 37-47-9, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT ANNUAL GRANTS BY THE STATE FOR THE CONSTRUCTION OF SCHOOL FACILITIES ARE PAYABLE TO SCHOOL DISTRICTS ONLY; TO AMEND SECTION 37-143-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE RECIPIENTS OF WILLIAM F. WINTER TEACHER SCHOLARSHIPS TO DISCHARGE THEIR TEACHING OBLIGATIONS IN CHARTER SCHOOLS; TO AMEND SECTION 37-143-12, MISSISSIPPI CODE OF 1972, TO AUTHORIZE PARTICIPANTS IN THE SPEECH-LANGUAGE PATHOLOGISTS LOAN FORGIVENESS PROGRAM TO DISCHARGE THEIR LOANS BY RENDERING SERVICE IN A CHARTER SCHOOL; TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "CHARTER SCHOOL" AS USED UNDER THE ADEQUATE EDUCATION PROGRAM; TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF 1972, TO CONFORM THE ADEQUATE EDUCATION PROGRAM FUNDING FORMULA TO THE ALLOCATION OF FUNDS TO CHARTER SCHOOLS; TO AMEND SECTIONS 37-151-101 AND 37-151-103, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE DISTRIBUTION OF STATE FUNDS TO CHARTER SCHOOLS AT THE SAME TIME AND IN THE SAME MANNER SUCH FUNDS ARE PAID TO SCHOOL DISTRICTS; TO AMEND SECTION 37-57-107, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH SCHOOL DISTRICT IN WHICH A CHARTER SCHOOL IS LOCATED TO TRANSFER TO THE CHARTER SCHOOL ITS PER PUPIL PRO RATA SHARE OF LOCAL AD VALOREM SCHOOL DISTRICT MAINTENANCE FUNDS; TO REPEAL SECTIONS 37-165-1 THROUGH 37-165-27, MISSISSIPPI CODE OF 1972, WHICH ARE THE CONVERSION CHARTER SCHOOL ACT OF 2010; TO PROVIDE FOR THE

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REPEAL OF THE MISSISSIPPI CHARTER SCHOOLS ACT OF 2013 ON JULY 1, 2020; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1- Sections 1 through 31 of this act shall be known and may be cited as the "Mississippi Charter Schools Act of 2013."

SECTION 2. (1) The Legislature finds and declares that the general purposes of the state's charter schools are as follows:

(a) To improve student learning by creating high-quality schools with high standards for student performance;

(b) To close achievement gaps between high-performing and low-performing groups of public school students;

(c) To increase high-quality educational opportunities within the public education system for all students, especially those with a likelihood of academic failure;

(d) To create new professional opportunities for teachers, school administrators and other school personnel which allow them to have a direct voice in the operation of their schools;

(e) To encourage the use of different, high-quality models of teaching, governing, scheduling and other aspects of schooling which meet a variety of student needs;

(f) To allow public schools freedom and flexibility in exchange for exceptional levels of results driven accountability;

(g) To provide students, parents, community members and local entities with expanded opportunities for involvement in the public education system; and

(h) To encourage the replication of successful charter schools.

(2) All charter schools in the state established under this act are public schools and are part of the state's public education system.

(3) No provision of this act may be interpreted to allow the conversion of private schools into charter schools.

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SECTION 3. As used in this act, the following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Applicant" means any person or group that develops and submits an application for a charter school to the authorizer.

(b) "Application" means a proposal from an applicant to the authorizer to enter into a charter contract whereby the proposed school obtains charter school status.

(c) "Authorizer" means the Mississippi Charter School Authorizer Board established under Section 4 of this act to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee charter schools, and decide whether to renew, not renew, or revoke charter contracts.

(d) "Charter contract" means a fixed-term, renewable contract between a charter school and the authorizer which outlines the roles, powers, responsibilities and performance expectations for each party to the contract.

(e) "Charter school" means a public school that is established and operating under the terms of charter contract between the school's governing board and the authorizer. The term "charter school" includes a conversion charter school and start-up charter school.

(f) "Conversion charter school" means a charter school that existed as a noncharter public school before becoming a charter school.

(g) "Education service provider" means a charter management organization, school design provider or any other partner entity with which a charter school intends to contract for educational design, implementation or comprehensive management.

(h) "Governing board" means the independent board of a charter school which is party to the charter contract with the authorizer and whose members have been elected or selected pursuant to the school's application.

(i) "Noncharter public school" means a public school that is under the direct management, governance and control of a school board or the state.

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(j) "Parent" means a parent, guardian or other person or entity having legal custody of a child.

(k) "School board" means a school board exercising management and control over a local school district and the schools of that district pursuant to the State Constitution and state statutes.

(l) "School district" means a governmental entity that establishes and supervises one or more public schools within its geographical limits pursuant to state statutes.

(m) "Start-up charter school" means a charter school that did not exist as a noncharter public school before becoming a charter school.

(n) "Student" means any child who is eligible for attendance in a public school in the state.

(o) "Underserved students" means students participating in the federal free lunch program who qualify for at-risk student funding under the Mississippi Adequate Education Program and students who are identified as having special educational needs.

SECTION 4. (1) There is created the Mississippi Charter School Authorizer Board as a state agency with exclusive chartering jurisdiction in the State of Mississippi. Unless otherwise authorized by law, no other governmental agency or entity may assume any charter authorizing function or duty in any form.

(2) (a) The mission of the Mississippi Charter School Authorizer Board is to authorize high-quality charter schools, particularly schools designed to expand opportunities for underserved students, consistent with the purposes of this act. Subject to the restrictions and conditions prescribed in this subsection, the Mississippi Charter School Authorizer Board may authorize charter schools within the geographical boundaries of any school district.

(b) The Mississippi Charter School Authorizer Board may approve a maximum of fifteen (15) qualified charter applications during a fiscal year.

(c) In any school district designated as an "A," "B" or "C" school district by the State Board of Education under the accreditation rating system, the Mississippi Charter School Authorizer Board may authorize charter schools only if a

majority of the members of the local school board votes at a public meeting to endorse the application or to initiate the application on its own initiative.

(3) The Mississippi Charter School Authorizer Board shall consist of seven (7) members, to be appointed as follows:

(a) Three (3) members appointed by the Governor, with one (1) member being from each of the Mississippi Supreme Court Districts.

(b) Three (3) members appointed by the Lieutenant Governor, with one (1) member being from each of the Mississippi Supreme Court Districts.

(c) One (1) member appointed by the State Superintendent of Public Education.

All appointments must be made with the advice and consent of the Senate. In making the appointments, the appointing authority shall ensure diversity among members of the Mississippi Charter School Authorizer Board.

(4) Members appointed to the Mississippi Charter School Authorizer Board collectively must possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, curriculum and instruction, and public education law. Each member of the Mississippi Charter School Authorizer Board must have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

(5) To establish staggered terms of office, the initial term of office for the three (3) Mississippi Charter School Authorizer Board members appointed by the Governor shall be four (4) years and thereafter shall be three (3) years; the initial term of office for the three (3) members appointed by the Lieutenant Governor shall be three (3) years and thereafter shall be three (3) years; and the initial term of office for the member appointed by the State Superintendent of Public Education shall be two (2) years and thereafter shall be three (3) years. No member may serve more than two (2) consecutive terms. The initial appointments must be made before September 1, 2013.

(6) The Mississippi Charter School Authorizer Board shall meet as soon as practical after September 1, 2013, upon the call of the Governor, and shall organize for business by

selecting a chairman and adopting bylaws. Subsequent meetings shall be called by the chairman.

(7) An individual member of the Mississippi Charter School Authorizer Board may be removed by the board if the member's personal incapacity renders the member incapable or unfit to discharge the duties of the office or if the member is absent from a number of meetings of the board, as determined and specified by the board in its bylaws. Whenever a vacancy on the Mississippi Charter School Authorizer Board exists, the original appointing authority shall appoint a member for the remaining portion of the term.

(8) No member of the Mississippi Charter School Authorizer Board or employee, agent or representative of the board may serve simultaneously as an employee, trustee, agent, representative, vendor or contractor of a charter school authorized by the board.

(9) The Mississippi Charter School Authorizer Board shall appoint an individual to serve as the executive director and general counsel of the board. In addition to possessing the qualifications established by the board which are based on national best practices, the executive director and general counsel must be licensed to practice law in the State of Mississippi and must possess an understanding of state and federal education law. The executive director and general counsel, who shall serve at the will and pleasure of the board, shall devote his full time to the proper administration of the board and the duties assigned to him by the board and shall be paid a salary established by the board, subject to the approval of the State Personnel Board. Subject to the availability of funding, the executive director and general counsel may employ such administrative staff as may be necessary to assist the director and board in carrying out the duties and directives of the Mississippi Charter School Authorizer Board.

(10) The Mississippi Charter School Authorizer Board shall be located, for administrative purposes, within the offices of the State Institutions of Higher Learning, which shall provide meeting space and clerical support for the board.

SECTION 5. (1) The authorizer is responsible for exercising, in accordance with this act, the following powers and duties:

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(a) Developing chartering policies and maintaining practices consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility, including:

- (i) Organizational capacity and infrastructure;
 - (ii) Solicitation and evaluation of charter applications;
 - (iii) Performance contracting;
 - (iv) Ongoing charter school oversight and evaluation;
- and
- (v) Charter renewal decision-making;

(b) Approving quality charter applications that meet identified educational needs and promote a diversity of educational choices;

(c) Declining to approve weak or inadequate charter applications;

(d) Negotiating and executing charter contracts with approved charter schools;

(e) Monitoring, in accordance with charter contract terms, the performance and legal compliance of charter schools;

(f) Determining whether each charter contract merits renewal, nonrenewal or revocation; and

(g) Applying for any federal funds that may be available for the implementation of charter school programs.

(2) The authorizer shall carry out all its duties under this act in a manner consistent with nationally recognized principles and standards and with the spirit and intent of this act.

(3) The authorizer may delegate its duties to the executive director and general counsel.

(4) Regulation by the authorizer shall be limited to those powers and duties prescribed in this section and all others prescribed by law, consistent with the spirit and intent of this act.

(5) Except in the case of gross negligence or reckless disregard of the safety and well-being of another person, the authorizer, members of the authorizer board in their official capacity, and employees of the authorizer in their official

capacity are immune from civil liability with respect to all activities related to a charter school approved by the authorizer.

SECTION 6. (1) To cover the costs of overseeing charter schools in accordance with this act, the authorizer shall receive three percent (3%) of annual per-pupil allocations received by a charter school from state and local funds for each charter school it authorizes.

(2) The authorizer may receive appropriate gifts, grants and donations of any kind from any public or private entity to carry out the purposes of this act, subject to all lawful terms and conditions under which the gifts, grants or donations are given.

(3) The authorizer may expend its resources, seek grant funds and establish partnerships to support its charter school authorizing activities.

SECTION 7. (1) Upon request, the State Department of Education shall assist the Mississippi Charter School Authorizer Board with implementing the authorizer's decisions by providing such technical assistance and information as may be necessary for the implementation of this act.

(2) Before July 1 of each year, the authorizer shall publish a pamphlet, which may be in electronic form, containing:

(a) All statutes in Title 37, Mississippi Code of 1972, which are applicable to the charter schools;

(b) Any rules, regulations and policies adopted by the State Superintendent of Public Education, the State Board of Education or the State Department of Education with which charter schools must comply by virtue of the applicability to charter schools, as well as other public schools, of the state law to which those relevant rules, regulations and policies pertain; and

(c) Any other state and federal laws and matters that are relevant to the establishment and operation of charter schools in the State of Mississippi.

The Mississippi Charter School Authorizer Board shall make the pamphlet available to the public on the board's website and shall notify all prospective applicants of the pamphlet.

SECTION 8. (1) To solicit, encourage and guide the development of quality charter school applications, the authorizer shall

issue and publicize a request for proposals before September 1 of each year; however, during 2013, the authorizer shall issue and publicize a request for proposals before December 1. The content and dissemination of the request for proposals must be consistent with the purposes and requirements of this act.

(2) The authorizer annually shall establish and disseminate a statewide timeline for charter approval or denial decisions.

(3) The authorizer's request for proposals must include the following:

(a) A clear statement of any preferences the authorizer wishes to grant to applications intended to help underserved students;

(b) A description of the performance framework that the authorizer has developed for charter school oversight and evaluation in accordance with Section 15 of this act;

(c) The criteria that will guide the authorizer's decision to approve or deny a charter application; and

(d) A clear statement of appropriately detailed questions, as well as guidelines, concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

(4) In addition to all other requirements, the request for proposals must require charter applications to provide or describe thoroughly all of the following mandatory elements of the proposed school plan:

(a) An executive summary;

(b) The mission and vision of the proposed charter school, including identification of the targeted student population and the community the school hopes to serve;

(c) The location or geographic area proposed for the school;

(d) The grades to be served each year for the full term of the charter contract;

(e) Minimum, planned and maximum enrollment per grade per year for the term of the charter contract;

(f) Evidence of need and community support for the proposed charter school;

(g) Background information, including proof of United States citizenship, on the applicants, the proposed founding governing board members and, if identified, members of the proposed school leadership and management team. The background information must include annual student achievement data, disaggregated by subgroup, for every school under the current or prior management of each board member and leadership team member;

(h) The school's proposed calendar, including the proposed opening and closing dates for the school term, and a sample daily schedule. The school must be kept in session no less than the minimum number of school days established for all public schools in Section 37-13-63;

(i) A description of the school's academic program, aligned with state standards;

(j) A description of the school's instructional design, including the type of learning environment (such as classroom-based or independent study), class size and structure, curriculum overview and teaching methods;

(k) The school's plan for using internal and external assessments to measure and report student progress on the performance framework developed by the authorizer in accordance with Section 15 of this act;

(l) The school's plan for identifying and successfully serving students with disabilities (including all of the school's proposed policies pursuant to the Individuals with Disabilities Education Improvement Act of 2004, 20 USCS Section 1400 et seq., Section 504 of the Rehabilitation Act of 1973, 29 USCS Section 794, and Title 11 of the Americans with Disabilities Act, 42 USCS Section 12101 et seq., and the school's procedures for securing and providing evaluations and related services pursuant to federal law), students who are English language learners, students who are academically behind, and gifted students, including, but not limited to, compliance with any applicable laws and regulations;

(m) A description of cocurricular or extracurricular programs and how those programs will be funded and delivered;

(n) Plans and timelines for student recruitment and enrollment, including lottery policies and procedures that ensure that every student has an equal opportunity to be considered in the lottery and that the lottery is equitable,

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randomized, transparent and impartial so that students are accepted in a charter school without regard to disability, income level, race, religion or national origin;

(o) The school's student discipline policies, including those for special education students;

(p) An organizational chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, education service provider, staff, related bodies (such as advisory bodies or parent and teacher councils), and all other external organizations that will play a role in managing the school;

(q) A clear description of the roles and responsibilities of the governing board, education service provider, school leadership team, management team and all other entities shown in the organizational chart;

(r) A staffing chart for the school's first year, and a staffing plan for the term of the charter;

(s) Plans for recruiting and developing school leadership and staff, which may not include utilization of nonimmigrant foreign worker visa programs;

(t) The school's leadership and teacher employment policies, including performance evaluation plans;

(u) Proposed governing bylaws;

(v) Explanations of any partnerships or contractual relationships central to the school's operations or mission;

(w) The school's plans for providing transportation, food service and all other significant operational or ancillary services;

(x) Opportunities and expectations for parent involvement;

(y) A detailed school start-up plan, identifying tasks, timelines and responsible individuals;

(z) A description of the school's financial plans and policies, including financial controls and audit requirements;

(aa) A description of the insurance coverage the school will obtain;

(bb) Start-up and five-year budgets with clearly stated assumptions;

(cc) Start-up and first-year cash flow projections with clearly stated assumptions;

(dd) A disclosure of all sources of private funding and all funds from foreign sources, including gifts from foreign governments, foreign legal entities and domestic entities affiliated with either foreign governments or foreign legal entities. For the purposes of this paragraph, the term "foreign" means a country or jurisdiction outside of any state or territory of the United States;

(ee) Evidence of anticipated fundraising contributions, if claimed in the application; and

(ff) A sound facilities plan, including backup or contingency plans if appropriate.

(5) In the case of an application to establish a charter school by converting an existing noncharter public school to charter school status, the request for proposals additionally shall require the applicant to demonstrate support for the proposed charter school conversion by a petition signed by a majority of teachers or a majority of parents of students in the existing noncharter public school, or by a majority vote of the local school board or, in the case of schools in districts under state conservatorship, by the State Board of Education.

(6) In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services, management services or both types of services, the request for proposals additionally shall require the applicant to:

(a) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(b) Provide a term sheet setting forth: the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff and the education service provider; the scope of services and resources to be provided by the education service provider; performance evaluation measures and timelines; the compensation structure, including clear identification of all fees to be paid to the education service provider; methods of contract oversight

and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(c) Disclose and explain any existing or potential conflicts of interest between the school governing board and proposed service provider or any affiliated business entities; and

(d) Background information, including proof of United States citizenship, on the principal individuals affiliated with the education service provider.

(7) In the case of a charter school proposal from an applicant that currently operates one or more schools in any state or nation, the request for proposals additionally shall require the applicant to provide evidence of past performance and current capacity for growth. The applicant shall be required to submit clear evidence that it has produced statistically significant gains in student achievement or consistently produced proficiency levels as measured on state achievement tests.

SECTION 9. (1) The following are the purposes of a charter application:

(a) To present the proposed charter school's academic and operational vision and plans;

(b) To demonstrate the applicant's capacities to execute the proposed vision and plans; and

(c) To provide the authorizer a clear basis for assessing the applicant's plans and capacities.

(2) An approved charter application may not serve as the school's charter contract.

SECTION 10. (1) In reviewing and evaluating charter applications, the authorizer shall employ procedures, practices and criteria consistent with nationally recognized principles and standards for quality charter authorizing. The application review process must include thorough evaluation of each written charter application and in-person interview with the applicant group.

(2) In deciding whether to approve charter applications, the authorizer must:

(a) Grant charters only to applicants that have provided evidence of competence in each element of the authorizer's

published approval criteria, and in the case of an applicant that currently operates one or more schools in any state or nation, clear evidence that the management or leadership team of the charter school or schools currently operated by the applicant has produced statistically significant gains in student achievement or consistently produced proficiency levels as measured on state achievement test;

(b) Base decisions on documented evidence collected through the application review process; and

(c) Follow charter-granting policies and practices that are transparent, based on merit and avoid conflicts of interest or any appearance thereof.

(3) Before the expiration of one hundred eighty (180) days after the filing of a charter application, the authorizer must approve or deny the charter application; however, an application submitted by a public historically black college or university (HBCU), in partnership with a national nonprofit public HBCU support organization, for a charter school to be operated on or near the campus of the HBCU must be considered for expedited approval by the authorizer. The authorizer shall adopt by resolution all charter approval or denial decisions in an open meeting of the authorizer board.

(4) An approval decision may include, if appropriate, reasonable conditions that the charter applicant must meet before a charter contract may be executed pursuant to Section 11 of this act.

(5) For a charter denial, the authorizer shall state clearly, for public record, its reasons for denial. A denied applicant may reapply subsequently with the authorizer.

(6) Before the expiration of ten (10) days after taking action to approve or deny a charter application, the authorizer shall provide a report to the applicant. The report must include a copy of the authorizer's resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the procedural requirements and application elements set forth in this act.

SECTION 11. (1) The authorizer shall grant an initial charter to each qualified applicant for a term of five (5) operating years. The term of the charter shall commence on the charter school's first day of operation. An approved charter school may delay its opening for one (1) school year in order

to plan and prepare for the school's opening. If the school requires an opening delay of more than one (1) school year, the school must request an extension from the authorizer. The authorizer may grant or deny the extension depending on the particular school's circumstances.

(2) (a) The authorizer and the governing board of the approved charter school shall execute a charter contract that clearly sets forth the academic and operational performance expectations and measures by which the charter school will be judged and the administrative relationship between the authorizer and charter school, including each party's rights and duties. The performance expectations and measures set forth in the charter contract must include, but need not be limited to, applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the charter school is operating and has collected baseline achievement data for its enrolled students.

(b) The charter contract must be signed by the chairman of the authorizer board and the president of the charter school's governing board.

(c) A charter school may not commence operations without a charter contract executed in accordance with this section and approved in an open meeting of the authorizer board.

(3) The authorizer may establish reasonable preopening requirements or conditions to monitor the start-up progress of a newly approved charter school and to ensure that the school is prepared to open smoothly on the date agreed and that the school meets all building, health, safety, insurance and other legal requirements before the school's opening.

SECTION 12. (1) A charter school must be open to any student residing in the geographical boundaries of the school district in which the charter school is located.

(2) A school district may not require any student enrolled in the school district to attend a charter school.

(3) Except as otherwise provided under subsection (8) (d) of this section, a charter school may not limit admission based on ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability.

(4) A charter school may limit admission to students within a given age group or grade level, including pre-kindergarten students, and may be organized around a special emphasis, theme or concept as stated in the school's application.

(5) The underserved student composition of a charter school's enrollment collectively must reflect that of students of all ages attending the school district in which the charter school is located, to be defined for the purposes of this act as being at least eighty percent (80%) of that population. If the underserved student composition of an applicant's or charter school's enrollment is less than eighty percent (80%) of the enrollment of students of all ages in the school district in which the charter school is located, despite the school's best efforts, the authorizer must consider the applicant's or charter school's recruitment efforts and the underserved student composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. A finding by the authorizer that a charter school is operating in a discriminatory manner justifies the revocation of a charter.

(6) A charter school must enroll all students who wish to attend the school unless the number of students exceeds the capacity of a program, class, grade level or building.

(7) If capacity is insufficient to enroll all students who wish to attend the school based on initial application, the charter school must select students through a lottery.

(8) (a) Any noncharter public school or part of a noncharter public school converting to a charter school shall adopt and maintain a policy giving an enrollment preference to students who reside within the former attendance area of that public school. If the charter school has excess capacity after enrolling students residing within the former attendance area of the school, students outside of the former attendance area of the school, but within the geographical boundaries of the school district in which the charter school is located, are eligible for enrollment. If the number of students applying for admission exceeds the capacity of a program, class, grade level or building of the charter school, the charter school must admit students on the basis of a lottery.

(b) A charter school must give an enrollment preference to students enrolled in the charter school during the preceding school year and to siblings of students already enrolled in

the charter school. An enrollment preference for returning students excludes those students from entering into a lottery.

(c) A charter school may give an enrollment preference to children of the charter school's applicant, governing board members and full-time employees, so long as those children constitute no more than ten percent (10%) of the charter school's total student population.

(d) This section does not preclude the formation of a charter school whose mission is focused on serving students with disabilities, students of the same gender, students who pose such severe disciplinary problems that they warrant a specific educational program, or students who are at risk of academic failure. If capacity is insufficient to enroll all students who wish to attend the school, the charter school must select students through a lottery.

SECTION 13. If a student previously enrolled in a charter school enrolls in another public school in this state, the student's new school must accept credits earned by the student in courses or instructional programs at the charter school in a uniform and consistent manner and according to the same criteria that are used to accept academic credits from other public schools.

SECTION 14. A school district must provide or publicize to parents and the general public information about charter schools as an enrollment option within the district to the same extent and through the same means that the district provides and publicizes information about noncharter public schools in the district.

SECTION 15. (1) The performance provisions within a charter contract must be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the authorizer's evaluations of the charter school. The performance framework must include indicators, measures and metrics, at a minimum, for the following:

- (a) Student academic proficiency;
- (b) Student academic growth;
- (c) Achievement gaps in both proficiency and growth between major student subgroups;
- (d) Attendance;

(e) Recurrent enrollment from year to year;

(f) In-school and out-of-school suspension rates and expulsion rates;

(g) For charter high schools, postsecondary readiness, including the percentage of graduates submitting applications to postsecondary institutions, high school completion, postsecondary admission and postsecondary enrollment or employment;

(h) Financial performance and sustainability; and

(i) Board performance and stewardship, including compliance with all applicable laws, regulations and terms of the charter contract.

(2) Annual performance targets must be set by each charter school in conjunction with the authorizer and must be designed to help each school meet applicable federal, state and authorizer expectations.

(3) The performance framework must allow the inclusion of additional rigorous, valid and reliable indicators proposed by a charter school to augment external evaluations of its performance; however, the authorizer must approve the quality and rigor of any indicators proposed by a charter school, which indicators must be consistent with the purposes of this act.

(4) The performance framework must require the disaggregation of all student performance data by major student subgroups (gender, race, poverty status, special education status, English learner status and gifted status).

(5) The authorizer shall collect, analyze and report all data from state assessments in accordance with the performance framework for each charter school. Multiple schools overseen by a single governing board must report their performance as separate, individual schools, and each school must be held independently accountable for its performance.

(6) Information needed by the authorizer from the charter school governing board for the authorizer's reports must be required and included as a material part of the charter contract.

SECTION 16. (1) The authorizer shall monitor annually the performance and legal compliance of each charter school it oversees, including collecting and analyzing data to support

the school's evaluation according to the charter contract. The authorizer may conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under this act, including conducting appropriate inquiries and investigations, so long as those activities are consistent with the intent of this act, adhere to the terms of the charter contract and do not unduly inhibit the autonomy granted to charter schools.

(2) As part of its annual report to the Legislature, the authorizer shall publish and provide a performance report for each charter school it oversees in accordance with the performance framework set forth in the charter contract. The report must be made available to the public at the same time as it is submitted to the Legislature. The authorizer may require each charter school it oversees to submit an annual report to assist the authorizer in gathering complete information about each school, consistent with the performance framework.

(3) If a charter school's performance or legal compliance is unsatisfactory, the authorizer shall notify promptly the charter school of the problem and provide reasonable opportunity for the school to remedy the problem unless the problem warrants revocation, in which case the revocation timeframes will apply.

(4) The authorizer may take appropriate corrective actions or exercise sanctions in response to apparent deficiencies in a charter school's performance or legal compliance. If warranted, the actions or sanctions may include requiring a charter school to develop and execute a corrective action plan within a specified timeframe.

SECTION 17. (1) A charter may be renewed for successive five-year terms of duration. The authorizer may grant renewal with specific conditions for necessary improvements to a charter school and may lessen the renewal term based on the performance, demonstrated capacities and particular circumstances of each charter school.

(2) Before September 30, the authorizer shall issue a charter school performance report and charter renewal application guidance to any charter school whose charter will expire the following year. The performance report must summarize the charter school's performance record to date, based on the data required by this act and the charter contract, and must provide notice of any weaknesses or concerns perceived by the

authorizer which may jeopardize the charter school's position in seeking renewal if not timely rectified. The charter school must respond and submit any corrections or clarifications for the performance report within ninety (90) days after receiving the report.

(3) The charter renewal application guidance must provide, at a minimum, an opportunity for the charter school to:

(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(b) Describe improvements undertaken or planned for the school; and

(c) Detail the school's plans for the next charter term.

(4) The charter renewal application guidance must include or refer explicitly to the criteria that will guide the authorizer's renewal decision, which must be based on the performance framework set forth in the charter contract and consistent with this act.

(5) Before February 1, the governing board of a charter school seeking renewal shall submit a renewal application to the authorizer pursuant to the charter renewal application guidance issued by the authorizer. The authorizer shall adopt a resolution ruling on the renewal application no later than ninety (90) days after the filing of the renewal application.

(6) In making each charter renewal decision, the authorizer must:

(a) Ground its decision in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making the renewal decision is available to the school and the public; and

(c) Provide a public report summarizing the evidence that is the basis for the renewal decision.

(7) A charter contract must be revoked at any time or not renewed if the authorizer determines that the charter school has done any of the following or otherwise failed to comply with the provisions of this act:

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(a) Committed a material and substantial violation of any of the terms, conditions, standards or procedures required under this act or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Substantially violated any material provision of law which is applicable to the charter school.

(8) The authorizer shall develop revocation and nonrenewal processes that:

(a) Provide the governing board of a charter school with a timely notification of the prospect of revocation or nonrenewal and of the reasons for such possible closure;

(b) Allow the governing board a reasonable amount of time in which to prepare a response;

(c) Provide the governing board with an opportunity to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose;

(d) Allow the governing board access to representation by counsel and to call witnesses on the school's behalf;

(e) Permit the recording of such proceedings; and

(f) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the governing board.

(9) Notwithstanding any provision to the contrary, the authorizer may not renew the charter of any charter school that, during the school's final operating year under the term of the charter contract, is designated an "F" school under the school accreditation rating system.

(10) If the authorizer revokes or does not renew a charter, the authorizer must state clearly, in a resolution of adopted by the authorizer board, the reasons for the revocation or nonrenewal.

(11) Within ten (10) days after taking action to renew, not renew or revoke a charter, the authorizer shall provide a report to the charter school. The report must include a copy of the authorizer board's resolution setting forth the action

taken, reasons for the board's decision and assurances as to compliance with all of the requirements set forth in this act.

SECTION 18. (1) Before implementing a charter school closure decision, the authorizer must develop a charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property and assets in accordance with the requirements of this act. The protocol must specify tasks, timelines and responsible parties, including delineating the respective duties of the school and the authorizer. If a charter school is to be closed for any reason, the authorizer shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

(2) If a charter school closes, all unspent government funds, unspent earnings from those funds and assets purchased with government funds must revert to the local school district in which the charter school is located. Unless otherwise provided for in the charter or a debt instrument, unspent funds from nongovernmental sources, unspent earnings from those funds, assets purchased with those funds and debts of the school must revert to the nonprofit entity created to operate the school and may be disposed of according to applicable laws for nonprofit corporations.

SECTION 19. (1) Before October 1 of each year, beginning in the year that the state has had at least one (1) charter school operating for a full school year, the Mississippi Charter School Authorizer Board shall issue to the Governor, Legislature, State Board of Education and the public an annual report on the state's charter schools for the preceding school year. The report must include a comparison of the performance of charter school students with the performance of academically, ethnically and economically comparable groups of students in the school district in which a charter school is located. In addition, the report must include the authorizer's assessment of the successes, challenges and areas for improvement in meeting the purposes of this act. The report also must include an assessment on whether the number and size of operating charter schools are sufficient to meet demand, as calculated according to admissions data and the number of students denied enrollment based on lottery results. The report due from

the authorizer under this section must be coordinated with reports due from charter school governing boards, as near as possible, to decrease or eliminate duplication.

(2) The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall prepare an annual report assessing the sufficiency of funding for charter schools, the efficacy of the state formula for authorizer funding, and any suggested changes in state law or policy necessary to strengthen the state's charter schools.

SECTION 20. (1) Notwithstanding any provision of law to the contrary, to the extent that any provision of this act is inconsistent with any other state or local law, rule or regulation, the provisions of this act govern and are controlling.

(2) A charter school and any education service provider which provides comprehensive management for a charter school must be a nonprofit education organization.

(3) A charter school is subject to all federal laws and authorities specified in this act or agreed upon with the authorizer in the charter contract, where such contracting is consistent with applicable laws, rules and regulations.

(4) To the extent approved by the authorizer, a charter contract may consist of one or more schools. Each charter school that is part of a charter contract must be separate and distinct from any other charter school.

(5) A single governing board may hold one or more charter contracts.

(6) A charter school must function as a local educational agency, and as such, a charter school is responsible for meeting the requirements of local educational agencies under applicable federal laws, including those relating to special education, receipt of funds and compliance with funding requirements. Status as a local educational agency, however, does not preclude a charter school from developing, by mutual agreement or formal contract, links with the local school district for services, resources and programs.

SECTION 21. A charter school may exercise those powers necessary for carrying out the terms of its charter contract, including the following powers:

(a) To receive and disburse funds authorized by law for school purposes;

(b) To secure appropriate insurance and to enter into contracts and leases;

(c) To contract with an education service provider for the management and operation of the charter school so long as the school's governing board retains oversight authority over the school;

(d) To solicit and accept any gifts or grants for school purposes subject to applicable laws and the terms of its charter contract;

(e) To acquire real property for use as its facility or facilities, from public or private sources; and

(f) To sue and be sued in its own name.

SECTION 22. (1) A charter school may not discriminate against any person on the basis of race, creed, color, sex, disability, national origin or any other category that would be unlawful if done by a noncharter public school.

(2) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies or operations.

(3) A charter school may not discriminate against any student on the basis of national origin, minority status or limited proficiency in English. Consistent with federal civil rights laws, charter schools must provide limited English proficient students with appropriate services designed to teach them English and the general curriculum.

(4) A charter school may not charge tuition.

(5) The terms of each charter school must include a transportation plan for students attending the charter school.

(6) Subject to the approval of the authorizer, a charter school may contract with an accredited online course provider for the delivery of virtual courses to students enrolled in the charter school.

(7) Except to the extent authorized under paragraph (c) of Section 22, the powers, obligations and responsibilities set forth in the charter contract may not be delegated or assigned by either party.

SECTION 23. (1) Charter schools are subject to the same civil rights, health and safety requirements applicable to noncharter public schools in the state, except as otherwise specifically provided in this act.

(2) Charter schools are subject to the student assessment and accountability requirements applicable to noncharter public schools in the state; however, this requirement does not preclude a charter school from establishing additional student assessment measures that go beyond state requirements if the authorizer approves those measures.

(3) Although a charter school is geographically located within the boundaries of a particular school district and enrolls students who reside within the school district, the charter school may not be considered a school within that district under the purview of the school district's school board. The rules, regulations, policies and procedures established by the school board for the noncharter public schools that are in the school district in which the charter school is geographically located do not apply to the charter school unless otherwise required under the charter contract or any contract entered into between the charter school governing board and the local school board.

(4) Whenever the provisions of Title 37, Mississippi Code of 1972, relating to the elementary and secondary education of public school students establish a requirement for or grant authority to local school districts, their school boards and the schools within the respective school districts, the language "school districts," "school boards," "boards of trustees," "the schools within a school district," or any other similar phraseology does not include a charter school and the governing board of a charter school unless the statute specifically is made applicable to charter schools as well as noncharter public schools.

(5) A charter school is not subject to any rule, regulation, policy or procedure adopted by the State Board of Education or the State Department of Education unless otherwise required by the authorizer or in the charter contract.

(6) Charter schools are not exempt from the following statutes:

(a) Chapter 41, Title 25, Mississippi Code of 1972, which relate to open meetings of public bodies.

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(b) Chapter 61, Title 25, Mississippi Code of 1972, which relate to public access to public records.

(c) Section 37-3-51, which requires notice by the district attorney of licensed school employees who are convicted of certain sex offenses.

(d) Section 37-3-53, which requires publication of the Mississippi Report Card by the State Board of Education.

(e) Section 37-11-18, which requires the automatic expulsion of a student possessing a weapon or controlled substance on educational property.

(f) Section 37-11-18.1, which requires expulsion of certain habitually disruptive students.

(g) Section 37-11-19, which requires suspension or expulsion of a student who damages school property.

(h) Section 37-11-20, which prohibits acts of intimidation intended to keep a student from attending school.

(i) Section 37-11-21, which prohibits parental abuse of school staff.

(j) Section 37-11-23, which prohibits the willful disruption of school and school meetings.

(k) Sections 37-11-29 and 37-11-31, which relate to reporting requirements regarding unlawful or violent acts on school property.

(l) Section 37-11-67, which prohibits bullying or harassing behavior in public schools.

(m) Section 37-13-3, which prohibits doctrinal, sectarian or denominational teaching in public schools.

(n) Sections 37-13-5 and 37-13-6, which require the flags of the United States and the State of Mississippi to be displayed near the school building.

(o) Section 37-13-63(1), which prescribes the minimum number of days which public schools must be kept in session during a scholastic year.

(p) Section 37-13-91, which is the Mississippi Compulsory School Attendance Law.

(q) Section 37-13-171(2) and (4), which requires any course containing sex-related education to include instruction in abstinence-only or abstinence-plus education.

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(r) Section 37-13-173, which requires notice to parents before instruction on human sexuality is provided in public classrooms.

(s) Section 37-13-193, which relates to civil rights and human rights education in the public schools.

(t) Sections 37-15-1 and 37-15-3, which relate to the maintenance and transfer of permanent student records in public schools.

(u) Section 37-15-6, which requires the State Department of Education to maintain a record of expulsions from the public schools.

(v) Section 37-15-9, which establishes minimum age requirements for kindergarten and first grade enrollment in public schools.

(w) Section 37-15-11, which requires a parent, legal guardian or custodian to accompany a child seeking enrollment in a public school.

(x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9, which relate to the statewide assessment testing program.

(y) Section 37-18-1, which establishes the Superior-Performing Schools Program and Exemplary Schools Program to recognize public schools that improve.

SECTION 24. (1) (a) Charter schools must comply with applicable federal laws, rules and regulations regarding the qualification of teachers and other instructional staff. No more than twenty-five percent (25%) of teachers in a charter school may be exempt from state teacher licensure requirements at the time the initial charter application is approved by the authorizer. Administrators of charter schools are exempt from state administrator licensure requirements. However, teachers and administrators must have a bachelor's degree as a minimum requirement, and teachers must have demonstrated subject-matter competency. Within three (3) years of the date of initial application approval by the authorizer, all teachers must have, at a minimum, alternative licensure approved by the Commission on Teacher and Administrator Education, Certification and Licensure and Development.

(b) A charter school may not staff positions for teachers, administrators, ancillary support personnel or other employees by utilizing or otherwise relying on nonimmigrant

foreign worker visa programs. However, a charter school may submit a request to the authorizer for an exception allowing the employment of a nonimmigrant foreign worker before the worker is employed. The authorizer may grant permission for the employment of the nonimmigrant foreign worker only if the charter school makes a satisfactory showing of efforts to recruit lawful permanent residents of the United States to fill the position and a lack of qualified applicants to fill the position.

(2) Employees in charter schools must have the same general rights and privileges as other public school employees, except such employees are not:

(a) Covered under the Education Employment Procedures Law (Section 37-9-103);

(b) Subject to the state salary requirements prescribed in Section 37-19-7; and

(c) Members of the Public Employees' Retirement System.

(3) Employees in charter schools are eligible for participation in retirement and other benefits programs in which the charter school chooses to make available to its employees.

SECTION 25. (1) Charter school teachers and other school personnel, as well as members of the governing board and any education service provider with whom a charter school contracts, are subject to criminal history record checks and fingerprinting requirements applicable to employees of other public schools. The authorizer shall require that current criminal records background checks and current child abuse registry checks are obtained, and that the criminal record information and registry checks are on file at the charter school for any new hires applying for employment. In order to determine an applicant's suitability for employment, the applicant must be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints must be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Under no circumstances may a member of the Mississippi Charter School Authorizer Board, member of the charter school governing board or any individual other than the subject of the criminal history record checks disseminate information received through the checks except as may be required to fulfill

the purposes of this section. The determination whether the applicant has a disqualifying crime, as set forth in subsection (2) of this section, must be made by the appropriate state or federal governmental authority, which must notify the charter school whether a disqualifying crime exists.

(2) If the fingerprinting or criminal record checks disclose a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(g), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the new hire is not eligible to be employed at the charter school. However, the charter school, in its discretion, may allow any applicant aggrieved by the employment decision under this section to show mitigating circumstances that exist and may allow, subject to the approval of the Mississippi Charter School Authorizer Board, the new hire to be employed at the school. The authorizer may approve the employment depending on the mitigating circumstances, which may include, but need not be limited to: (a) age at which the crime was committed; (b) circumstances surrounding the crime; (c) length of time since the conviction and criminal history since the conviction; (d) work history; (e) current employment and character references; and (f) other evidence demonstrating the ability of the person to perform the employment responsibilities competently and that the person does not pose a threat to the health or safety of children.

(3) No charter school, charter school employee, member of the charter school governing board, the Mississippi Charter School Authorizer Board or member or employee of the Mississippi Charter School Authorizer Board employee may be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this section.

(4) A charter school shall terminate any teacher or administrator for committing one or more of the following acts:

(a) Engaging in unethical conduct relating to an educator-student relationship as identified by the Mississippi Charter School Authorizer Board;

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(b) Fondling a student as described in Section 97-5-23 or engaging in any type of sexual involvement with a student as described in Section 97-3-95; or

(c) Failure to report sexual involvement of a charter school employee with a student as required by Section 97-5-24.

SECTION 26. A charter school is eligible to participate in state-sponsored or district-sponsored athletic and academic interscholastic leagues, competitions, awards, scholarships and recognition programs for students, educators, administrators and schools to the same extent as noncharter public schools.

SECTION 27. (1) Each charter school shall certify annually to the State Department of Education its student enrollment, average daily attendance and student participation in the national school lunch program, special education, vocational education, gifted education, alternative school program and federal programs in the same manner as school districts.

(2) Each charter school shall certify annually to the school board of the school district in which the charter school is located the number of enrolled charter school students residing in the school district.

SECTION 28. (1) (a) The State Department of Education shall make payments to charter schools for each student in average daily attendance at the charter school equal to the state share of the adequate education program payments for each student in average daily attendance at the school district in which the charter school is located. In calculating the local contribution for purposes of determining the state share of the adequate education program payments, the department shall deduct the pro rata local contribution of the school district in which the student resides, to be determined as provided in Section 37-151-7(2) (a).

(b) Payments made pursuant to this subsection by the State Department of Education must be made at the same time and in the same manner as adequate education program payments are made to school districts under Sections 37-151-101 and 37-151-103. Amounts payable to a charter school must be determined by the State Department of Education. Amounts payable to a charter school in its first year of operation must be based on the projections of initial-year enrollment and federal school level funding set forth in the charter contract. Such projections must be reconciled with the average daily

attendance at the end of the school's first year of operation, and any necessary adjustments must be made to payments during the school's second year of operation.

(2) The school district in which a charter school is located shall pay directly to the charter school an amount for each student enrolled in the charter school equal to the ad valorem tax receipts and in-lieu payments received per pupil for the support of the local school district in which the student resides. The pro rata ad valorem receipts and in-lieu receipts to be transferred to the charter school shall include all levies for the support of the local school district under Sections 37-57-1 (local contribution to the adequate education program) and 37-57-105 (school district operational levy) and may not include any taxes levied for the retirement of the local school district's bonded indebtedness or short-term notes or any taxes levied for the support of vocational-technical education programs. In no event may the payment exceed the pro rata amount of the local ad valorem payment for the local contribution to the adequate education program under Section 37-57-1 for the school district in which the student resides. Payments made under this section by a school district to a charter school must be made before the expiration of three (3) business days after the funds are distributed to the school district by the tax collector.

(3) (a) The State Department of Education shall direct the proportionate share of monies generated under federal and state categorical aid programs, including special education, vocational, gifted and alternative school programs, to charter schools serving students eligible for such aid. The department shall ensure that charter schools with rapidly expanding enrollments are treated equitably in the calculation and disbursement of all federal and state categorical aid program dollars. Each charter school that serves students who may be eligible to receive services provided through such programs shall comply with all reporting requirements to receive the aid.

(b) A charter school shall pay to a local school district any federal or state aid attributable to a student with a disability attending the charter school in proportion to the level of services for that student which the local school district provides directly or indirectly.

(c) Subject to the approval of the authorizer, a charter school and a local school district may negotiate and enter into a contract for the provision of and payment for special education services, including, but not necessarily limited to, a reasonable reserve not to exceed five percent (5%) of the local school district's total budget for providing special education services. The reserve may be used by the local school district only to offset excess costs of providing services to students with disabilities enrolled in the charter school.

(4) (a) The State Department of Education shall disburse state transportation funding to a charter school on the same basis and in the same manner as it is paid to school districts under the adequate education program.

(b) A charter school may enter into a contract with a school district or private provider to provide transportation to the school's students.

SECTION 29. (1) A charter school must adhere to generally accepted accounting principles.

(2) A charter school shall have its financial records audited annually, at the end of each fiscal year, either by the State Auditor or by a certified public accountant approved by the State Auditor. However, a certified public accountant may not be selected to perform the annual audit of a charter school if that accountant previously has audited the charter school for more than three (3) consecutive years. Certified public accountants must be selected in a manner determined by the State Auditor. The charter school shall file a copy of each audit report and accompanying management letter with the authorizer before August 1.

SECTION 30. (1) Any monies received by a charter school from any source remaining in the charter school's accounts at the end of a budget year must remain in the charter school's accounts for use by the charter school during subsequent budget years.

(2) Nothing in this act may be construed to prohibit any person or organization from providing funding or other assistance to the establishment or operation of a charter school. The governing board of a charter school may accept gifts, donations and grants of any kind made to the charter school and may expend or use such gifts, donations and grants in accordance with the conditions prescribed by the donor;

however, a gift, donation or grant may not be accepted if it is subject to a condition that is contrary to any provision of law or term of the charter contract.

(3) A charter school must disclose publicly all sources of private funding and all funds received from foreign sources, including gifts from foreign governments, foreign legal entities and domestic entities affiliated with either foreign governments or foreign legal entities. For the purposes of this subsection, the term "foreign" means a country or jurisdiction outside of any state or territory of the United States.

SECTION 31. (1) A charter school has a right of first refusal to purchase or lease at or below fair market value a closed public school facility or property or unused portions of a public school facility or property in the school district in which the charter school is located if the school district decides to sell or lease the public school facility or property.

(2) A charter school may negotiate and contract at or below fair market value with a school district, state institution of higher learning, public community or junior college, or any other public or for-profit or nonprofit private entity for the use of a facility for a school building.

(3) Public entities, including, but not limited to, libraries, community service organizations, museums, performing arts venues, theatres, cinemas, churches, community and junior colleges, colleges and universities, may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

SECTION 32. Section 11-46-1, Mississippi Code of 1972, is amended as follows:

11-46-1. As used in this chapter, the following terms shall have the meanings* * * ascribed unless the context otherwise requires:

(a) "Claim" means any demand to recover damages from a governmental entity as compensation for injuries.

(b) "Claimant" means any person seeking compensation under the provisions of this chapter, whether by administrative remedy or through the courts.

(c) "Board" means the Mississippi Tort Claims Board.

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(d) "Department" means the Department of Finance and Administration.

(e) "Director" means the executive director of the department who is also the executive director of the board.

(f) "Employee" means any officer, employee or servant of the State of Mississippi or a political subdivision of the state, including elected or appointed officials and persons acting on behalf of the state or a political subdivision in any official capacity, temporarily or permanently, in the service of the state or a political subdivision whether with or without compensation, including firefighters who are members of a volunteer fire department that is a political subdivision. The term "employee" shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the state or a political subdivision;* * * and

(i) For purposes of the limits of liability provided for in Section 11-46-15, the term "employee" shall include_:

1. Physicians under contract to provide health services with the State Board of Health, the State Board of Mental Health or any county or municipal jail facility while rendering services under* * * the contract* * *;

2. Any physician, dentist or other health care practitioner employed by the University of Mississippi Medical Center (UMMC) and its departmental practice plans who is a faculty member and provides health care services only for patients at UMMC or its affiliated practice sites* * *;

3. Any physician, dentist or other health care practitioner employed by any university under the control of the Board of Trustees of State Institutions of Higher Learning who practices only on the campus of any university under the control of the Board of Trustees of State Institutions of Higher Learning* * *;

4. Any physician, dentist or other health care practitioner employed by the State Veterans Affairs Board and who provides health care services for patients for the State Veterans Affairs Board* * *;

(ii) The term "employee" shall also include Mississippi Department of Human Services licensed foster parents for the

limited purposes of coverage under the Tort Claims Act as provided in Section 11-46-8* * *; and

(iii) The term "employee" also shall include any employee or member of the governing board of a charter school but shall not include any person or entity acting in the capacity of an independent contractor to provide goods or services under a contract with a charter school.

(g) "Governmental entity" means* * * the state and political subdivisions* * *.

(h) "Injury" means death, injury to a person, damage to or loss of property or any other injury that a person may suffer that is actionable at law or in equity.

(i) "Political subdivision" means any body politic or body corporate other than the state responsible for governmental activities only in geographic areas smaller than that of the state, including, but not limited to, any county, municipality, school district, charter school, volunteer fire department that is a chartered nonprofit corporation providing emergency services under contract with a county or municipality community hospital as defined in Section 41-13-10,* * * airport authority, or other instrumentality* * * of the state, whether or not* * * the body or instrumentality* * * has the authority to levy taxes or to sue or be sued in its own name.

(j) "State" means the State of Mississippi and any office, department, agency, division, bureau, commission, board, institution, hospital, college, university, airport authority or other instrumentality thereof, whether or not* * * the body or instrumentality* * * has the authority to levy taxes or to sue or be sued in its own name.

(k) "Law" means all species of law, including, but not limited to, any and all constitutions, statutes, case law, common law, customary law, court order, court rule, court decision, court opinion, court judgment or mandate, administrative rule or regulation, executive order, or principle or rule of equity.

SECTION 33. Section 25-41-3, Mississippi Code of 1972, is amended as follows:

25-41-3. For purposes of this chapter, the following words shall have the meaning ascribed herein, to wit:

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(a) "Public body" means any executive or administrative board, commission, authority, council, department, agency, bureau or any other policy-making entity, or committee thereof, of the State of Mississippi, or any political subdivision or municipal corporation of the state, whether such entity be created by statute or executive order, which is supported wholly or in part by public funds or expends public funds, and any standing, interim or special committee of the Mississippi Legislature. The term "public body" includes the governing board of a charter school authorized by the Mississippi Charter School Authorizer Board. There shall be exempted from the provisions of this chapter:

- (i) The judiciary, including all jury deliberations;
- (ii) Public and private hospital staffs, public and private hospital boards and committees thereof;
- (iii) Law enforcement officials;
- (iv) The military;
- (v) The State Probation and Parole Board;
- (vi) The Workers' Compensation Commission;
- (vii) Legislative subcommittees and legislative conference committees;
- (viii) The arbitration council established in Section 69-3-19;
- (ix) License revocation, suspension and disciplinary proceedings held by the Mississippi State Board of Dental Examiners; and
- (x) Hearings and meetings of the Board of Tax Appeals and of the hearing officers and the board of review of the Department of Revenue as provided in Section 27-77-15.

(b) "Meeting" means an assemblage of members of a public body at which official acts may be taken upon a matter over which the public body has supervision, control, jurisdiction or advisory power; "meeting" also means any such assemblage through the use of video or teleconference devices.

SECTION 34. Section 25-61-3, Mississippi Code of 1972, is amended as follows:

25-61-3. The following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

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(a) "Public body" shall mean any department, bureau, division, council, commission, committee, subcommittee, board, agency and any other entity of the state or a political subdivision thereof, and any municipal corporation and any other entity created by the Constitution or by law, executive order, ordinance or resolution. The term "public body" includes the governing board of a charter school authorized by the Mississippi Charter School Authorizer Board. Within the meaning of this chapter, the term "entity" shall not be construed to include individuals employed by a public body or any appointed or elected public official.

(b) "Public records" shall mean all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body.

(c) "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications and computer networking programs.

(d) "Proprietary software" means data processing software that is obtained under a licensing agreement and is protected by copyright or trade secret laws.

(e) "Incident report" means a narrative description, if such narrative description exists and if such narrative description does not contain investigative information, of an alleged offense, and at a minimum shall include the name and identification of each person charged with and arrested for the alleged offense, the time, date and location of the alleged offense, and the property involved, to the extent this information is known.

(f) "Investigative report" means records of a law enforcement agency containing information beyond the scope of the matters contained in an incident report, and generally will include, but not be limited to, the following matters

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if beyond the scope of the matters contained in an incident report:

(i) Records that are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, the disclosure of which would harm the investigation which may include crime scene reports and demonstrative evidence;

(ii) Records that would reveal the identity of informants and/or witnesses;

(iii) Records that would prematurely release information that would impede the public body's enforcement, investigative or detection efforts;

(iv) Records that would disclose investigatory techniques and/or results of investigative techniques;

(v) Records that would deprive a person of a right to a fair trial or an impartial adjudication;

(vi) Records that would endanger the life or safety of a public official or law enforcement personnel, or confidential informants or witnesses;

(vii) Records pertaining to quality control or PEER review activities; or

(viii) Records that would impede or jeopardize a prosecutor's ability to prosecute the alleged offense.

(g) "Law enforcement agency" means a public body that performs as one (1) of its principal functions activities pertaining to the enforcement of criminal laws, the apprehension and investigation of criminal offenders, or the investigation of criminal activities.

SECTION 35. Section 31-7-1, Mississippi Code of 1972, is amended as follows:

31-7-1. The following terms are defined for the purposes of this chapter to have the following meanings:

(a) "Agency" means any state board, commission, committee, council, university, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, university, department, unit or the head thereof is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit

thereof; except a charter school authorized by the Mississippi Charter School Authorizer Board; and except the Mississippi State Port Authority.

(b) "Governing authority" means boards of supervisors, governing boards of all school districts, all boards of directors of public water supply districts, boards of directors of master public water supply districts, municipal public utility commissions, governing authorities of all municipalities, port authorities, Mississippi State Port Authority, commissioners and boards of trustees of any public hospitals, boards of trustees of public library systems, district attorneys, school attendance officers and any political subdivision of the state supported wholly or in part by public funds of the state or political subdivisions thereof, including commissions, boards and agencies created or operated under the authority of any county or municipality of this state. The term "governing authority" shall not include economic development authorities supported in part by private funds, or commissions appointed to hold title to and oversee the development and management of lands and buildings which are donated by private individuals to the public for the use and benefit of the community and which are supported in part by private funds. The term "governing authority" also shall not include the governing board of a charter school.

(c) "Purchasing agent" means any administrator, superintendent, purchase clerk or other chief officer so designated having general or special authority to negotiate for and make private contract for or purchase for any governing authority or agency.

(d) "Public funds" means and includes any appropriated funds, special funds, fees or any other emoluments received by an agency or governing authority.

(e) "Commodities" means and includes the various commodities, goods, merchandise, furniture, equipment, automotive equipment of every kind, and other personal property purchased by the agencies of the state and governing authorities, but not commodities purchased for resale or raw materials converted into products for resale.

(i) "Equipment" shall be construed to include: automobiles, trucks, tractors, office appliances and all other equipment of every kind and description.

(ii) "Furniture" shall be construed to include: desks, chairs, tables, seats, filing cabinets, bookcases and all other items of a similar nature as well as dormitory furniture, appliances, carpets and all other items of personal property generally referred to as home, office or school furniture.

(f) "Emergency" means any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection or caused by any inherent defect due to defective construction, or when the immediate preservation of order or of public health is necessary by reason of unforeseen emergency, or when the immediate restoration of a condition of usefulness of any public building, equipment, road or bridge appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas, or in the transportation or treatment of sewage; or when the delay incident to obtaining competitive bids could cause adverse impact upon the governing authorities or agency, its employees or its citizens; or in the case of a public airport, when the delay incident to publishing an advertisement for competitive bids would endanger public safety in a specific (not general) manner, result in or perpetuate a specific breach of airport security, or prevent the airport from providing specific air transportation services.

(g) "Construction" means the process of building, altering, improving, renovating or demolishing a public structure, public building, or other public real property. It does not include routine operation, routine repair or regularly scheduled maintenance of existing public structures, public buildings or other public real property.

(h) "Purchase" means buying, renting, leasing or otherwise acquiring.

(i) "Certified purchasing office" means any purchasing office* * * in which fifty percent (50%) or more of the purchasing agents hold a certification from the Universal Public Purchasing Certification Council or other nationally recognized purchasing certification, and in which, in the case of a state agency purchasing office, in addition to the national certification, one hundred percent (100%) of the purchasing officials hold a certification from the State of Mississippi's Basic or Advanced Purchasing Certification Program.

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(j) "Certified Mississippi Purchasing Agent" means a state agency purchasing official who holds a certification from the Mississippi Basic Purchasing Certification Program as established by the Office of Purchasing, Travel and Fleet Management.

(k) "Certified Mississippi Procurement Manager" means a state agency purchasing official who holds a certification from the Mississippi Advanced Purchasing Certification Program as established by the Office of Purchasing, Travel and Fleet Management.

SECTION 36. Section 37-1-3, Mississippi Code of 1972, is amended as follows:

37-1-3. (1) The State Board of Education shall adopt rules and regulations and set standards and policies for the organization, operation, management, planning, budgeting and programs of the State Department of Education.

(a) The board is directed to identify all functions of the department that contribute to or comprise a part of the state system of educational accountability and to establish and maintain within the department the necessary organizational structure, policies and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system and its effective management.

(b) The board shall establish and maintain a system-wide plan of performance, policy and directions of public education not otherwise provided for.

(c) The board shall effectively use the personnel and resources of the department to enhance technical assistance to school districts in instruction and management therein.

(d) The board shall establish and maintain a central budget policy.

(e) The board shall establish and maintain within the State Department of Education a central management capacity under the direction of the State Superintendent of Public Education.

(f) The board, with recommendations from the superintendent, shall design and maintain a five-year plan and program for educational improvement that shall set forth

objectives for system performance and development and be the basis for budget requests and legislative initiatives.

(2) (a) The State Board of Education shall adopt and maintain a curriculum and a course of study to be used in the public* * * school districts that is designed to prepare the state's children and youth to be productive, informed, creative citizens, workers and leaders, and it shall regulate all matters arising in the practical administration of the school system not otherwise provided for.

(b) Before the 1999-2000 school year, the State Board of Education shall develop personal living and finances objectives that focus on money management skills for individuals and families for appropriate, existing courses at the secondary level. The objectives must require the teaching of those skills necessary to handle personal business and finances and must include instruction in the following:

(i) Opening a bank account and assessing the quality of a bank's services;

(ii) Balancing a checkbook;

(iii) Managing debt, including retail and credit card debt;

(iv) Completing a loan application;

(v) The implications of an inheritance;

(vi) The basics of personal insurance policies;

(vii) Consumer rights and responsibilities;

(viii) Dealing with salesmen and merchants;

(ix) Computing state and federal income taxes;

(x) Local tax assessments;

(xi) Computing interest rates by various mechanisms;

(xii) Understanding simple contracts; and

(xiii) Contesting an incorrect billing statement.

(3) The State Board of Education shall have authority to expend any available federal funds, or any other funds expressly designated, to pay training, educational expenses, salary incentives and salary supplements to licensed teachers employed in local school districts or schools administered by the State Board of Education. Such incentive payments shall

not be considered part of a school district's local supplement as defined in Section 37-151-5(o), nor shall the incentives be considered part of the local supplement paid to an individual teacher for the purposes of Section 37-19-7(1). MAEP funds or any other state funds shall not be used to provide such incentives unless specifically authorized by law.

(4) The State Board of Education shall through its actions seek to implement the policies set forth in Section 37-1-2.

SECTION 37. Section 37-1-12, Mississippi Code of 1972, is amended as follows:

37-1-12. The State Board of Education shall develop and promulgate regulations for annual reports from* * * school districts and from the State Department of Education to the Legislature. Such regulations shall eliminate duplication, make effective use of technology and enable the Legislature to monitor education in Mississippi. These regulations may include methods to reduce redundant reporting requirements and eliminate inadequate performance measures, and the State Board of Education may include any proposed legislative amendments to state law necessary to improve statewide reporting mandates.

SECTION 38. Section 37-1-13, Mississippi Code of 1972, is amended as follows:

37-1-13. (1) The State Board of Education shall issue regulations:

(a) Setting minimum specifications for relocatable classrooms for the public* * * school districts;

(b) Approving or disapproving plans for relocatable classrooms for public* * * school districts;

(c) Providing a system of requiring local school districts to receive State Department of Education approval before purchase of such relocatable classrooms.

(2) The State Department of Education may, in its discretion, inspect the facilities of any manufacturer of relocatable classrooms for the purpose of determining if State Department of Education minimum specifications are being met.

(3) The State Department of Education shall insure that local school districts advertise for and receive bids as required by state law for purchase of relocatable classrooms. The State Department of Education shall approve plans for

relocatable classrooms by persons, firms, corporations or associations permitted to submit bids for consideration, before such bids are submitted to local school districts. The State Department of Education shall have the right to reject any and all relocatable classroom plans submitted. Bids may not be submitted to local school districts, unless persons, firms, corporations or associations have State Department of Education approval.

SECTION 39. Section 37-3-2, Mississippi Code of 1972, is amended as follows:

37-3-2. (1) There is established within the State Department of Education the Commission on Teacher and Administrator Education, Certification and Licensure and Development. It shall be the purpose and duty of the commission to make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.

(2) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each congressional district: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the State Board for Community and Junior Colleges; one (1) local school board member; and four (4) laypersons. All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

(3) The State Board of Education when making appointments shall designate a chairman. The commission shall meet at least once every two (2) months or more often if needed. Members of the commission shall be compensated at a rate of per diem as authorized by Section 25-3-69 and be reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

(4) (a) An appropriate staff member of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve as executive secretary and coordinator for the commission. No less than two (2) other appropriate staff members of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve on the staff of the commission.

(b) An Office of Educator Misconduct Evaluations shall be established within the State Department of Education to assist the commission in responding to infractions and violations, and in conducting hearings and enforcing the provisions of Section 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972, and violations of the Mississippi Educator Code of Ethics.

(5) It shall be the duty of the commission to:

(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation programs in the state;

(b) Recommend to the State Board of Education each year approval or disapproval of each educator preparation program in the state, subject to a process and schedule determined by the State Board of Education;

(c) Establish, subject to the approval of the State Board of Education, standards for initial teacher certification and licensure in all fields;

(d) Establish, subject to the approval of the State Board of Education, standards for the renewal of teacher licenses in all fields;

(e) Review and evaluate objective measures of teacher performance, such as test scores, which may form part of the licensure process, and to make recommendations for their use;

(f) Review all existing requirements for certification and licensure;

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(g) Consult with groups whose work may be affected by the commission's decisions;

(h) Prepare reports from time to time on current practices and issues in the general area of teacher education and certification and licensure;

(i) Hold hearings concerning standards for teachers' and administrators' education and certification and licensure with approval of the State Board of Education;

(j) Hire expert consultants with approval of the State Board of Education;

(k) Set up ad hoc committees to advise on specific areas; and

(l) Perform such other functions as may fall within their general charge and which may be delegated to them by the State Board of Education.

(6) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements. Applicants for a standard license shall submit to the department:

(i) An application on a department form;

(ii) An official transcript of completion of a teacher education program approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi pre-kindergarten through kindergarten classrooms shall require completion of a teacher education program or a bachelor of science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by

the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person's college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher Education and Certification (NASDTEC) or, for those applicants who have a bachelor of science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS);

(iii) A copy of test scores evidencing satisfactory completion of nationally administered examinations of achievement, such as the Educational Testing Service's teacher testing examinations; and

(iv) Any other document required by the State Board of Education.

(b) Standard License - Nontraditional Teaching Route. Beginning January 1, 2004, an individual who has a passing score on the Praxis I Basic Skills and Praxis II Specialty Area Test in the requested area of endorsement may apply for the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.

(i) The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include, but not be limited

to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and pedagogy, using test results to improve instruction, and a one (1) semester three-hour supervised internship to be completed while the teacher is employed as a full-time teacher intern in a local school district. The TMI shall be implemented on a pilot program basis, with courses to be offered at up to four (4) locations in the state, with one (1) TMI site to be located in each of the three (3) Mississippi Supreme Court districts.

(ii) The school sponsoring the teacher intern shall enter into a written agreement with the institution providing the Teach Mississippi Institute (TMI) program, under terms and conditions as agreed upon by the contracting parties, providing that the school district shall provide teacher interns seeking a nontraditional provisional teaching license with a one-year classroom teaching experience. The teacher intern shall successfully complete the one (1) semester three-hour intensive internship in the school district during the semester immediately following successful completion of the TMI and prior to the end of the one-year classroom teaching experience.

(iii) Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his transcript to the commission for provisional licensure of the intern teacher, and the intern teacher shall be issued a provisional teaching license by the commission, which will allow the individual to legally serve as a teacher while the person completes a nontraditional teacher preparation internship program.

(iv) During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance

fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.

(v) An individual issued a provisional teaching license under this nontraditional route shall successfully complete, at a minimum, a one-year beginning teacher mentoring and induction program administered by the employing school district with the assistance of the State Department of Education.

(vi) Upon successful completion of the TMI and the internship provisional license period, applicants for a Standard License - Nontraditional Route shall submit to the commission a transcript of successful completion of the twelve (12) semester hours required in the internship program, and the employing school district shall submit to the commission a recommendation for standard licensure of the intern. If the school district recommends licensure, the applicant shall be issued a Standard License - Nontraditional Route which shall be valid for a five-year period and be renewable.

(vii) At the discretion of the teacher preparation institution, the individual shall be allowed to credit the twelve (12) semester hours earned in the nontraditional teacher internship program toward the graduate hours required for a Master of Arts in Teacher (MAT) Degree.

(viii) The local school district in which the nontraditional teacher intern or provisional licensee is employed shall compensate such teacher interns at Step 1 of the required salary level during the period of time such individual is completing teacher internship requirements and shall compensate such Standard License - Nontraditional Route teachers at Step 3 of the required salary level when they complete license requirements.

Implementation of the TMI program provided for under this paragraph (b) shall be contingent upon the availability of funds appropriated specifically for such purpose by the Legislature. Such implementation of the TMI program may not be deemed to prohibit the State Board of Education from developing and implementing additional alternative route teacher licensure programs, as deemed appropriate by the board. The emergency certification program in effect prior to July 1, 2002, shall remain in effect.

A Standard License - Approved Program Route shall be issued for a five-year period, and may be renewed. Recognizing teaching as a profession, a hiring preference shall be granted to persons holding a Standard License - Approved Program Route or Standard License - Nontraditional Teaching Route over persons holding any other license.

(c) **Special License - Expert Citizen.** In order to allow a school district to offer specialized or technical courses, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may grant a one-year expert citizen-teacher license to local business or other professional personnel to teach in a public school or nonpublic school accredited or approved by the state. Such person may begin teaching upon his employment by the local school board and licensure by the Mississippi Department of Education. The board shall adopt rules and regulations to administer the expert citizen-teacher license. A Special License - Expert Citizen may be renewed in accordance with the established rules and regulations of the State Department of Education.

(d) **Special License - Nonrenewable.** The State Board of Education is authorized to establish rules and regulations to allow those educators not meeting requirements in subsection (6) (a), (b) or (c) to be licensed for a period of not more than three (3) years, except by special approval of the State Board of Education.

(e) **Nonlicensed Teaching Personnel.** A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school district or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission and approved by the State Board of Education. In no case shall any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.** Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this

section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

(g) In the event any school district meets the highest accreditation standards as defined by the State Board of Education in the accountability system, the State Board of Education, in its discretion, may exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

(h) **Highly Qualified Teachers.** Beginning July 1, 2006, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act, must be granted a standard five-year license by the State Department of Education.

(7) **Administrator License.** The State Board of Education is authorized to establish rules and regulations and to administer the licensure process of the school administrators in the State of Mississippi. There will be four (4) categories of

administrator licensure with exceptions only through special approval of the State Board of Education.

(a) **Administrator License - Nonpracticing.** Those educators holding administrative endorsement but having no administrative experience or not serving in an administrative position on January 15, 1997.

(b) **Administrator License - Entry Level.** Those educators holding administrative endorsement and having met the department's qualifications to be eligible for employment in a Mississippi school district. Administrator License - Entry Level shall be issued for a five-year period and shall be nonrenewable.

(c) **Standard Administrator License - Career Level.** An administrator who has met all the requirements of the department for standard administrator licensure.

(d) **Administrator License - Nontraditional Route.** The board may establish a nontraditional route for licensing administrative personnel. Such nontraditional route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

Individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the State Board of Education. All applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(8) **Reciprocity.** (a) The department shall grant a standard license to any individual who possesses a valid standard license from another state and meets minimum Mississippi license requirements or equivalent requirements as determined by the State Board of Education. The issuance of a license by reciprocity to a military-trained applicant or military

spouse shall be subject to the provisions of Section 1, Senate Bill No. 2419, 2013 Regular Session.

(b) The department shall grant a nonrenewable special license to any individual who possesses a credential which is less than a standard license or certification from another state. Such special license shall be valid for the current school year plus one (1) additional school year to expire on June 30 of the second year, not to exceed a total period of twenty-four (24) months, during which time the applicant shall be required to complete the requirements for a standard license in Mississippi.

(9) **Renewal and Reinstatement of Licenses.** The State Board of Education is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree.

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission of Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission or its subcommittee shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the committee or its subcommittee. An appeal to the State Board of Education shall be on the record previously made before the commission or its subcommittee unless otherwise provided by rules and regulations adopted by the board. The State Board of Education in its authority may reverse, or remand with instructions, the decision of

the committee or its subcommittee. The decision of the State Board of Education shall be final.

(11) The State Board of Education, acting through the commission, may deny an application for any teacher or administrator license for one or more of the following:

(a) Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;

(b) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

(c) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effect, at the time of application for a license;

(d) Revocation or suspension of an applicant's certificate or license by another state;

(e) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;

(f) Failing or refusing to furnish reasonable evidence of identification;

(g) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law; or

(h) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law.

(12) The State Board of Education, acting on the recommendation of the commission, may revoke or suspend any teacher or administrator license for specified periods of time for one or more of the following:

(a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57;

(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;

(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;

(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law;

(e) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense, as defined by federal or state law;

(f) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1);

(g) The license holder has engaged in unethical conduct relating to an educator/student relationship as identified by the State Board of Education in its rules;

(h) The license holder has fondled a student as described in Section 97-5-23, or had any type of sexual involvement with a student as described in Section 97-3-95; or

(i) The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.

(13) (a) Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense.

(b) Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

(c) A person may voluntarily surrender a license. The surrender of such license may result in the commission recommending any of the above penalties without the necessity of a hearing. However, any such license which has voluntarily been surrendered by a licensed employee may only be reinstated by a majority vote of all members of the commission present at the meeting called for such purpose.

(14) A person whose license has been suspended on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of suspension,

or after one-half (1/2) of the suspended time has lapsed, whichever is greater. A license suspended or revoked on the criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon conviction. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

(15) Reporting procedures and hearing procedures for dealing with infractions under this section shall be promulgated by the commission, subject to the approval of the State Board of Education. The revocation or suspension of a license shall be effected at the time indicated on the notice of suspension or revocation. The commission shall immediately notify the superintendent of the school district or school board where the teacher or administrator is employed of any disciplinary action and also notify the teacher or administrator of such revocation or suspension and shall maintain records of action taken. The State Board of Education may reverse or remand with instructions any decision of the commission regarding a petition for reinstatement of a license, and any such decision of the State Board of Education shall be final.

(16) An appeal from the action of the State Board of Education in denying an application, revoking or suspending a license or otherwise disciplining any person under the provisions of this section shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be filed within thirty (30) days after notification of the action of the board is mailed or served and the proceedings in chancery court shall be conducted as other matters coming before the court. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of preparation of the record of the proceedings by the State Board of Education, and the filing of a bond in the sum of Two Hundred Dollars (\$200.00) conditioned that if the action of the board be affirmed by the chancery court, the applicant

or license holder shall pay the costs of the appeal and the action of the chancery court.

(17) All such programs, rules, regulations, standards and criteria recommended or authorized by the commission shall become effective upon approval by the State Board of Education as designated by appropriate orders entered upon the minutes thereof.

(18) The granting of a license shall not be deemed a property right nor a guarantee of employment in any public school district. A license is a privilege indicating minimal eligibility for teaching in the public* * * school districts of Mississippi. This section shall in no way alter or abridge the authority of local school districts to require greater qualifications or standards of performance as a prerequisite of initial or continued employment in such districts.

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 40. Section 37-3-4, Mississippi Code of 1972, is amended as follows:

37-3-4. (1) There is established within the State Department of Education, the School Executive Management Institute. The director shall be appointed by the State Board of Education upon recommendation by the State Superintendent of Public

Education. The State Superintendent of Public Education, with the approval of the State Board of Education, shall assign sufficient staff members from the State Department of Education to the institute.

(2) It shall be the purpose and duty of the institute to conduct thorough empirical studies and analyses of the school management needs of the local school districts throughout the state, to make recommendations to the State Board of Education regarding standards and programs of training that aid in the development of administrative and management skills of local school administrators, and to conduct such programs related to these purposes as they are implemented under guidelines established by the State Board of Education.

(3) The State Board of Education shall develop and implement through the School Executive Management Institute a program for the development of administrative and management skills of local school administrators under which all local school administrators employed by a school district shall be required to participate. Subject to the extent of appropriations available for such purpose, the School Executive Management Institute or the Mississippi School Boards Association shall be required to offer courses at least twice a year on the uses of technology to school district principals, superintendents and other administrative personnel. These courses shall relate to the application of technology to learning, as well as administrative problems.

(4) (a) The institute shall have an advisory board composed of ten (10) qualified members appointed by the State Board of Education after consultation with the State Superintendent of Public Education. This advisory board will offer recommendations to the institute on the types of training to be instituted and supported. The membership of the advisory board shall be composed of the following members, two (2) to be appointed from each congressional district: three (3) school administrators; one (1) representative of public community/junior colleges within the state; one (1) representative of a school of education in an institution of higher learning within the state; two (2) local school board members; one (1) classroom teacher; and two (2) laypersons. In making the initial appointments, three (3) members shall be appointed for a term of one (1) year, three (3) members shall be appointed for a term of two (2) years, two (2) members shall

be appointed for a term of three (3) years, and two (2) members shall be appointed for a term of four (4) years. Thereafter, all members shall be appointed for a term of four (4) years. The advisory board shall meet when called by the director, but in no event fewer than three (3) times per year. The members of the advisory board shall be compensated at the per diem rate authorized by Section 25-3-69 and reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

(b) Board members of the Oxford-Lafayette Business and Industrial Complex shall be paid per diem and reimbursed for expenses and mileage from local funds in accordance with Section 37-6-13.

(5) (a) Basic Education Course. The Mississippi School Boards Association shall be responsible for preparing and conducting a course of training for basic education for the local school board members of this state, in order for board members to carry out their duties more effectively and be exposed to new ideas involving school restructuring. The basic course shall be known as the "School Board Member Training Course" and shall consist of at least twelve (12) hours of training. The Mississippi School Boards Association shall issue certificates of completion to those school board members who complete the basic education course.

(b) Continuing Education Course. The Mississippi School Boards Association shall be responsible for preparing and conducting a course of training for continuing education for the local school board members of this state, in order for board members to carry out their duties more effectively and be exposed to new ideas involving school restructuring. The continuing education course shall be known as the "Continuing Education Course for School Board Members" and shall consist of at least six (6) hours of training.

(c) Additional Required Training. Effective July 1, 2009, local school board members and the local superintendent that serve in a district with one or more failing schools as determined by the Mississippi Board of Education accountability system as provided for in Section 37-17-6, or serving in a school district that has a serious financial condition as determined by the State Auditor as provided for in Section 37-9-18, shall annually attend additional training provided by the Mississippi School Boards Association.

The Mississippi School Boards Association shall, subject to appropriation, develop and conduct training specific to the local boards' role in improving learning outcomes and effective financial management. Such training shall be known as "Improving Student Outcomes and Academic Success" which shall consist of not less than six (6) hours of training and "Effective Financial Management In Local School Districts" which shall consist of not less than six (6) hours of training. Any local board members and the local superintendent that serve in a school district that meets the criteria for both of the training modules shall annually attend both training sessions for a total of not less than twelve (12) hours of training. At such time the school district is determined to no longer have failing schools; or no longer has a serious financial condition, such board member and the local superintendent shall no longer be required to attend the training as provided herein. The training as required under subsection (c) shall not replace, but is in addition to, the training required for new school board members and continuing board members as required under Section 37-7-306.

The Mississippi School Boards Association shall issue certificates of completion to those school board members who complete the continuing education course. All costs and expenses for preparing and conducting the basic education course and the continuing education course provided for in this paragraph shall be paid out of any funds which are made available to the Mississippi School Boards Association upon authorization and appropriation by the Legislature to the State Department of Education.

(6) The Mississippi School Boards Association shall prepare and submit a report each year to the State Board of Education and to the respective Chairs of the House and Senate Education Committees describing the activities and providing an evaluation of the continuing education programs offered by the association each year.

(7) The School Executive Management Institute of the State Department of Education, or the Mississippi School Boards Association with the oversight of the State Board of Education, at least twice a year, shall prepare and conduct required courses of training for continuing education for the elementary and secondary school principals employed by the school districts of this state, in order for those principals

to carry out their duties more effectively and be exposed to new ideas involving school management. The continuing education course shall be known as the "Continuing Education Course for Principals" and shall consist of at least six (6) hours of training. The content of the continuing education courses and the time and place such courses are to be conducted shall be determined by the School Executive Management Institute or the Mississippi School Boards Association; however, to the extent practicable, such training sessions shall be held within geographical proximity of local districts in order that travel times and costs shall not be prohibitive.

The institute shall issue certificates of completion to those principals who complete such courses. All costs and expenses for preparing and conducting the basic and continuing education courses provided for in this subsection shall be paid out of any funds which are made available to the institute upon authorization and appropriation by the Legislature.

(8) School district principals and other administrators with career level certifications at schools meeting the highest levels of accreditation standards, as defined by the State Board of Education, are exempt from the requirements of this section, subject to approval of the local school district superintendent.

SECTION 41. Section 37-3-5, Mississippi Code of 1972, is amended as follows:

37-3-5. The State Department of Education is hereby charged with the execution of all laws relating to the administrative, supervisory and consultative services to the public schools and agricultural high schools of the school districts throughout the State of Mississippi. The State Department of Education is also authorized to grant property to public* * * school districts and agricultural high schools of the State of Mississippi.

Subject to the direction of the State Board of Education as provided by law, the administration, management and control of the department is hereby vested in the State Superintendent of Public Education, who shall be directly responsible for the rightful functioning thereof.

SECTION 42. Section 37-3-11, Mississippi Code of 1972, is amended as follows:

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37-3-11. The State Superintendent of Public Education shall perform the duties assigned to him by the State Board of Education, and he shall have the following duties:

(a) To serve as secretary for the State Board of Education;

(b) To be the chief administrative officer of the State Department of Education;

(c) To recommend to the State Board of Education, for its consideration, rules and regulations for the supervision of the public* * * schools and agricultural high schools of the school districts throughout the state and for the efficient organization and conduct of the same;

(d) To collect data and make it available to the state board for determining the proper distribution of the state common school funds;

(e) To keep a complete record of all official acts of the State Superintendent and the acts of the State Board of Education;

(f) To prepare, have printed and furnish all officers charged with the administration of the laws pertaining to the public schools, such blank forms and books as may be necessary to the proper discharge of their duties, which printing is to be paid for out of funds provided by the Legislature;

(g) To have printed in pamphlet form the laws pertaining to the public schools and publish therein forms for conducting school business, the rules and regulations for the government of schools that the State Superintendent or the State Board of Education may recommend, and such other matters as may be deemed worthy of public interest pertaining to the public schools, which printing is to be paid for out of funds provided by the Legislature;

(h) To meet all superintendents annually at such time and place as the State Superintendent shall appoint for the purpose of accumulating facts relative to schools, to review the educational progress made in the various sections of the state, to compare views, discuss problems, hear discussions and suggestions relative to examinations and qualifications of teachers, methods of instruction, textbooks, summer schools for teachers, visitation of schools, consolidation of schools, health work in the schools, vocational education and other matters pertaining to the public school system;

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(i) To advise all superintendents upon all matters involving the welfare of the schools, and at the request of any superintendent, to give an opinion upon a written statement of facts on all questions and controversies arising out of the interpretation and construction of the school laws, in regard to rights, powers and duties of school officers and superintendents, and to keep a record of all such decisions. Before giving any opinion, the superintendent may submit the statement of facts to the Attorney General, and it shall be the duty of the Attorney General forthwith to examine such statement and suggest the proper decision to be made upon such fact;

(j) To require annually, and as often as the State Superintendent may deem proper, of all superintendents, detailed reports on the educational business of the various districts;

(k) On or before January 10 in each year to prepare, under the direction of the State Board of Education, the annual information report of the State Department of Education as described in Section 37-151-97;

(l) To determine the number of educable children in the several school districts under rules and regulations prescribed by the State Board of Education; and

(m) To perform such other duties as may be prescribed by the State Board of Education.

SECTION 43. Section 37-3-46, Mississippi Code of 1972, is amended as follows:

37-3-46. (1) The State Department of Education, in regard to any school within a school district or any school district not meeting adequate performance of accreditation standards, as defined by the State Board of Education, shall, subject to appropriation:

(a) Provide to local* * * school districts, or specific schools within those districts, financial, training and other assistance to implement and maintain a state program of educational accountability and assessment of performance.

(b) Provide to local* * * school districts, or specific schools within those districts, technical assistance and training in the development, implementation and administration

of a personnel appraisal and compensation system for all school employees.

(c) Provide to local* * * school districts, or specific schools within those districts, technical assistance in the development, implementation and administration of programs designed to keep children in school voluntarily and to prevent dropouts.

(2) Schools or school districts receiving assistance from the State Department of Education as outlined in subsection (1) of this section shall be required to implement any training, programs, and any other requirements as specified by the State Superintendent of Public Education.

SECTION 44. Section 37-3-49, Mississippi Code of 1972, is amended as follows:

37-3-49. (1) The State Department of Education shall provide an instructional program and establish guidelines and procedures for managing such program in the public schools within the school districts throughout the state as part of the State Program of Educational Accountability and Assessment of Performance as prescribed in Section 37-3-46. Public school districts may (a) elect to adopt the instructional program and management system provided by the State Department of Education, or (b) elect to adopt an instructional program and management system which meets or exceeds criteria established by the State Department of Education for such. This provision shall begin with the courses taught in Grades K-8 which contain skills tested through the Mississippi Basic Skills Assessment Program and shall proceed through all secondary school courses mandated for graduation and all secondary school courses in the Mississippi end-of-course testing program. Other state core objectives must be included in the district's instructional program as they are provided by the State Department of Education along with instructional practices, resources, evaluation items and management procedures. Districts are encouraged to adapt this program and accompanying procedures to all other instructional areas. The department shall provide that such program and guidelines, or a program and guidelines developed by a local school district which incorporates the core objectives from the curriculum structure are enforced through the performance-based accreditation system. It is the intent of the Legislature that every effort be made to protect the instructional time in the classroom and reduce

the amount of paperwork which must be completed by teachers. The State Department of Education shall take steps to insure that school districts properly use staff development time to work on the districts' instructional management plans.

(2) The State Department of Education shall provide such instructional program and management guidelines which shall require for every public school district that:

(a) All courses taught in Grades K-8 which contain skills which are tested through the Mississippi Basic Skills Assessment Program, all secondary school courses mandated for graduation, and all courses in the end-of-course testing program shall include the State Department of Education's written list of learning objectives.

(b) The local school board must adopt the objectives that will form the core curriculum which will be systematically delivered throughout the district.

(c) The set of objectives provided by the State Department of Education must be accompanied by suggested instructional practices and resources that would help teachers organize instruction so as to promote student learning of the objectives. Objectives added by the school district must also be accompanied by suggested instructional practices and resources that would help teachers organize instruction. The instructional practices and resources that are identified are to be used as suggestions and not as requirements that teachers must follow. The goal of the program is to have students to achieve the desired objective and not to limit teachers in the way they teach.

(d) Standards for student performance must be established for each core objective in the local program and those standards establish the district's definition of mastery for each objective.

(e) There shall be an annual review of student performance in the instructional program against locally established standards. When weaknesses exist in the local instructional program, the district shall take action to improve student performance.

(3) The State Board of Education and the board of trustees of each school district shall adopt policies to limit and reduce the number and length of written reports that classroom teachers are required to prepare.

(4) This section shall not be construed to limit teachers from using their own professional skills to help students master instructional objectives, nor shall it be construed as a call for more detailed or complex lesson plans or any increase in testing at the local school district level.

(5) Districts meeting the highest levels of accreditation standards, as defined by the State Board of Education, shall be exempted from the provisions of subsection (2) of this section.

SECTION 45. Section 37-3-51, Mississippi Code of 1972, is amended as follows:

37-3-51. (1) Upon the conviction of any licensed personnel, as defined in Section* * * 37-9-1, employed by a public school district or any person employed by a charter or private elementary or secondary school in a position that requires licensure in the public school districts, of any felony, or of a sex offense as defined in subsection (2) of this section, the district attorney or other prosecuting attorney shall identify those defendants for the circuit clerk. Each circuit clerk shall provide the State Department of Education with notice of the conviction of any such personnel of a felony or a sex offense. In addition, if the convicted person is an employee of a charter school, the circuit clerk must provide the same notice to the Mississippi Charter School Authorizer Board.

(2) "Sex offense" shall mean any of the following offenses:

(a) Section 97-3-65, Mississippi Code of 1972, relating to the carnal knowledge of a child under fourteen (14) years of age;

(b) Section 97-3-95, Mississippi Code of 1972, relating to sexual battery;

(c) Section 97-5-21, Mississippi Code of 1972, relating to seduction of a child under age eighteen (18);

(d) Section 97-5-23, Mississippi Code of 1972, relating to the touching of a child for lustful purposes;

(e) Section 97-5-27, Mississippi Code of 1972, relating to the dissemination of sexually oriented material to children;

(f) Section 97-5-33, Mississippi Code of 1972, relating to the exploitation of children;

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(g) Section 97-5-41, Mississippi Code of 1972, relating to the carnal knowledge of a stepchild, adopted child, or child of a cohabitating partner;

(h) Section 97-29-59, Mississippi Code of 1972, relating to unnatural intercourse; or

(i) Any other offense committed in another jurisdiction which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere.

(3) In addition, the State Department of Education is considered to be the employer of such personnel for purposes of requesting* * * criminal record background checks.

SECTION 46. Section 37-3-53, Mississippi Code of 1972, is amended as follows:

37-3-53. Each school year, the State Board of Education, acting through the Office of Educational Accountability, shall develop a public school reporting system, or "Mississippi Report Card," on the performance of students and public schools, including charter schools, at the local, district and state level. In developing the report card, the Office of Educational Accountability shall collect school, district and state level student achievement data in the appropriate grades as designated by the State Board of Education in all core subjects, and compare the data with national standards to identify students' strengths and weaknesses. The Mississippi Report Card shall provide more than reports to parents on the level at which their children are performing; the report shall provide clear and comparable public information on the level at which schools, school districts and the state public education system are performing. The Office of Educational Accountability shall encourage local school districts and the general public to use Mississippi Report Card information along with local individual student data to assess the quality of instructional programs and the performance of schools and to plan and implement programs of instructional improvement.

Beginning with the 1998-1999 school year, the Mississippi Report Card shall include information, as compiled by the Office of Compulsory School Attendance Enforcement, which demonstrates clearly the absenteeism and dropout rates in each school district, charter school and the state as a whole and whether those rates reflect a positive or negative change

from the same information as reported in the previous year's Mississippi Report Card.

Each local school district shall be required to develop and publish an annual report as prescribed by the State Board of Education. By November 1 of each year, as prescribed by the State Board of Education, the report shall be published in a newspaper having general circulation in the county and posted on the school district's website in a printable format. The public notice shall include information on the report's availability on the district's website, with the website address, and the location(s) in the school district where a copy of the report can be obtained.

SECTION 47. Section 37-3-61, Mississippi Code of 1972, is amended as follows:

37-3-61. The State Board of Education may provide for the establishment of an Alliance for Families program for the purpose of mobilizing public and parental support for education and to strengthen communication between the school, student and parents. The program's goal shall be to increase student success in Mississippi public* * * school districts, K-12, by generating focused, effective parent involvement. The objectives of the program shall be as follows:

(a) To engage parents in supporting the schools and their children's education.

(b) To implement effective home-school communication systems which allow parents to be kept well informed about the school and their children's progress.

(c) To train school administrators on successful strategies for involving parents both at home and at school and in developing community support for the schools.

(d) To train teachers on successful strategies for communicating with parents and teaching parents to reinforce skills being learned at school.

(e) To promote reading as the key curricular activity for parental focus.

(f) To involve the business, medical and religious communities in supporting the schools through direct assistance, and to develop positive public relations for the schools in the community.

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(g) Publication of a resource manual to assist schools and school districts in implementation of Alliance for Families program.

SECTION 48. Section 37-3-105, Mississippi Code of 1972, is amended as follows:

37-3-105. Beginning with the 2009-2010 school year, the State Department of Education shall require that in-service training shall include an emphasis on intensive, comprehensive and researched-based reading methods for all licensed teachers teaching Grades K through 3 in a public school district. The education may be accomplished through self-review of suitable intensive, comprehensive and researched-based reading materials.

SECTION 49. Section 37-5-61, Mississippi Code of 1972, is amended as follows:

37-5-61. (1) There shall be a county superintendent of education in each county.

(2) Said superintendent shall serve as the executive secretary of the county board of education, but shall have no vote in the proceedings before the board and no voice in fixing the policies thereof.

(3) In addition, said superintendent shall be the director of all schools in the county school district which are outside the municipal separate school districts.

(4) Said superintendent shall be elected at the same time and in the same manner as other county officers are elected and shall hold office for a term of four (4) years.

SECTION 50. Section 37-7-455, Mississippi Code of 1972, is amended as follows:

37-7-455. (1) Any land, buildings or other property that is not used for school purposes and which is not needed in the operation of the schools of the district may be sold in the manner established in this section but only after each charter school located in the school district has notified the school board that it is not exercising its right of first refusal on the property, as provided under Section 31 of this act. Except as otherwise provided in subsections (2) and (3) of this section, all such land, buildings or other property shall be sold only after the receipt of sealed bids therefor after the time and place of making such sale has been duly

advertised in some newspaper having a general circulation in the county in which the property is located once each week for three (3) consecutive weeks with the first publication to be made not less than fifteen (15) days prior to the date upon which such bids are to be received and opened. The property shall be sold to the highest and best bidder for cash, but the school board shall have the right to reject any and all bids. If the property is not sold pursuant to such advertisement, the school board, by resolution, may set a date for an open meeting of the school board to be held within sixty (60) days after the date upon which the bids were opened. At the meeting held pursuant to such resolution, the school board may sell by auction the property for a consideration not less than the highest sealed bid previously received pursuant to the advertisement. At the meeting, any interested party may bid for cash, and the property shall be sold to the highest and best bidder for cash, but the school board shall have the right to reject any and all bids. The school board may require a written confirmation of bids received at such called meeting before selling the property at auction, but it shall not be necessary that sealed bids be received before conducting the auction.

(2) As an alternative to the procedures established under subsection (1) of this section, the school board of a school district may elect, in its discretion, to sell by public auction any property, other than real property or buildings of the school district, which is not used for school or related school purposes and not needed in the operation of the schools, according to the procedure in Section 17-25-25.

(3) As an alternative to the procedures established under subsection (1) or (2) of this section, the county board of education of a county having a population in excess of ten thousand (10,000) according to the 2000 decennial census and in which U.S. Highway 45 intersects with Mississippi Highway 16, may elect, in its discretion, to transfer and sell the buildings of the school district and the real property upon which the buildings are located which are not used as school facilities or for school-related purposes and not needed in the operation of the schools, after advertising for and receiving competitive bids for the sale of such property. If any bid is offered by a nonprofit 501(c)(3) entity which has made substantial improvements to the buildings, the fair market value of the improvements shall be deemed to be consideration

for, a part of, the bid offered by the entity. In this case, the school board shall enter a finding on its minutes that the nonprofit entity has made substantial improvements to the property and the property is no longer needed for school district purposes.

(4) When the sale of such property is authorized and approved by the school board, the president of the school board shall be authorized and empowered to execute a conveyance of the property upon the terms and for the consideration fixed by the board. The school board shall reserve unto the district all oil, gas and minerals in, on or under the land, and all proceeds derived from royalties upon the reserved mineral interests shall be used as provided by Section 37-7-457.

SECTION 51. Section 37-7-473, Mississippi Code of 1972, is amended as follows:

37-7-473. School buildings, land, property and related facilities may be sold, conveyed, leased or otherwise disposed of under Sections 37-7-471 through 37-7-483, to any charter school, to any group of persons, to any association, club or corporation, or to any county, municipality or other political subdivision, to be used as a charter school facility, to be used as a civic, community, recreational or youth center, or to be used by any county or district fair association in connection with its activities, or to be used for church purposes, or to be used as a library or other public building, or to be used as a factory or otherwise in connection with an industrial enterprise, or to be used as part of a development activity to stimulate economic development activities within the district, or to enhance property values within the district, or to be used for any similar or related purpose or activity.

SECTION 52. Section 37-9-1, Mississippi Code of 1972, is amended as follows:

37-9-1. (1) For the purposes of this chapter, the terms "superintendent" and "principal" shall have such meaning as are ascribed to them under the provisions of Section 37-19-1. The term "licensed employee" shall mean any other employee of a public school district required to hold a valid license by the Commission on Teacher and Administrator Education, Certification and Licensure and Development. The term "non-instructional employee" shall include all employees of school

districts other than superintendents, principals and licensed employees.

(2) Unless a statute in this chapter specifically is made applicable to charter schools, the provisions of this chapter only apply to public school districts, the employees of public school districts and the public schools that are within those school districts.

SECTION 53. Section 37-9-103, Mississippi Code of 1972, is amended as follows:

37-9-103. (1) As used in Sections 37-9-101 through 37-9-113, the word "employee" shall include:

(a) Any teacher, principal, superintendent or other professional personnel employed by the local school district for a continuous period of two (2) years with that district and required to have a valid license issued by the State Department of Education as a prerequisite of employment; or

(b) Any teacher, principal, superintendent or other professional personnel who has completed a continuous period of two (2) years of employment in a Mississippi public school district and one (1) full year of employment with the school district of current employment, and who is required to have a valid license issued by the State Department of Education as a prerequisite of employment.

(2) (a) The Education Employment Procedures Law shall not apply to any category of employee as defined in this section employed in any school district after the Governor declares a state of emergency under the provisions of Section 37-17-6(11). The Education Employment Procedures Law shall not be applicable in any school district for the full period of time that those conditions, as defined in Section 37-17-6(11), exist.

(b) The Education Employment Procedures Law shall not apply to any category of teacher, administrator or other employee * * * employed to work in any charter school* * *.

(3) For purposes of Sections 37-9-101 through 37-9-113, the term "days" means calendar days.

SECTION 54. Section 37-11-1, Mississippi Code of 1972, is amended as follows:

37-11-1. (1) Subject to the provisions of subsection (2) of this section, after a pupil has been assigned to a particular

public school in a school district, the principal, or anyone else vested with the authority of assigning pupils to classes, knowingly shall not place such pupil in a class where the pupil's presence would serve to adversely affect, hinder, or retard the academic development of the other pupils in the class.

(2) (a) A parent or guardian of twins or higher order multiples, as defined in paragraph (d) of this subsection, may request that the children be placed in the same classroom or in separate classrooms if the children are in the same grade level at the same school in the school district. The school may recommend classroom placement and provide professional education advice to the parent or guardian to assist the parent or guardian in making the best decision for the children's education. A school must provide the placement requested by the children's parent or guardian unless: (i) the parent or guardian has requested that the children, who are different sexes, be placed in the same classroom and the students in the school have been assigned to different classrooms according to sex, as authorized under Section 37-11-3; or (ii) the school board of the school district makes a classroom placement determination following the school principal's request according to this subsection.

(b) A parent or guardian making a request under this subsection must submit a written request for the classroom placement to the school principal no later than fourteen (14) calendar days after the first day of each school year or, if the children are enrolled in the school after the school year commences, no later than fourteen (14) calendar days after the children's first day of attendance in the school.

(c) At the end of the initial grading period during which children have been in the same classroom or separate classrooms pursuant to their parent or guardian's request under this subsection, if the principal, in consultation with the children's classroom teacher or teachers, determines that the requested classroom placement is disruptive to the school, the principal may request that the school board determine the children's classroom placement.

(d) For purposes of this section, the term "higher order multiples" means triplets, quadruplets, quintuplets or more.

SECTION 55. Section 37-11-17, Mississippi Code of 1972, is amended as follows:

37-11-17. (1) The State Board of Education, the Board of Trustees of State Institutions of Higher Learning, the* * * Mississippi Community College Board, the boards of trustees of the several junior colleges, the county boards of education, the governing authorities of any county, municipal or other public school districts, such other boards set up by law for any educational institution, school, college or university, or their authorized representative, or the State Health Officer or his authorized representative, may require any teacher, supervisor, janitor or other employee of the school to submit to a thorough physical examination, deemed advisable to determine whether he has any infectious or communicable disease.

(2) The State Board of Education may develop a program to accomplish the identification of public school district students with abnormal spinal curvature. No state funds shall be expended for the purposes of implementing this subsection. Such program shall:

(a) Provide that an adequate number of school personnel in each district be instructed by qualified medical experts in the proper examination of students for abnormal spinal curvatures;

(b) Provide that all public school district students who are at least ten (10) years old be screened at least every two (2) years but at least in the fourth, sixth, eighth and tenth grades or at such other times as may be recommended by medical experts on a per case basis;

(c) Provide that students identified as having abnormal spinal curvatures or potential for abnormal spinal curvatures be referred to the county health officer or to the student's personal physician or chiropractor with notice of the evaluation; and

(d) Provide for notification of the parent or guardian of any student identified under this program and for the supplying to such parent or guardian information on the condition and resources available for the correction or treatment of such condition. However, the requirement for screening shall not apply to a child whose parent or guardian objects thereto on grounds that the requirement conflicts with his conscientiously held religious beliefs.

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SECTION 56. Section 37-11-25, Mississippi Code of 1972, is brought forward as follows:

37-11-25. If any public school official of this state or of any county or municipality or school district thereof, or any superintendent, principal, or teacher in the public schools, or any trustee of a school district shall be interested, either directly or indirectly, in the proceeds or profits of the sale or rental of any book, furniture, equipment or other property to be used in any public schools of this state such person shall be guilty of a misdemeanor and, upon conviction, he shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00). However, nothing in this section shall be construed to apply to the receipt of royalties on books or other publications used in the public schools.

SECTION 57. Section 37-11-57, Mississippi Code of 1972, is amended as follows:

37-11-57. (1) Except in the case of excessive force or cruel and unusual punishment, a public school teacher, assistant teacher, principal, or an assistant principal acting within the course and scope of his employment shall not be liable for any action carried out in conformity with state or federal law or rules or regulations of the State Board of Education or the local school board or governing board of a charter school regarding the control, discipline, suspension and expulsion of students. The local school board shall provide any necessary legal defense to a teacher, assistant teacher, principal, or assistant principal in the school district who was acting within the course and scope of his employment in any action which may be filed against such school personnel. A school district or charter school, as the case may be, shall be entitled to reimbursement for legal fees and expenses from its employee if a court finds that the act of the employee was outside the course and scope of his employment, or that the employee was acting with criminal intent. Any action by a school district or charter school against its employee and any action by the employee against the school district or charter school for necessary legal fees and expenses shall be tried to the court in the same suit brought against the school employee.

(2) Corporal punishment administered in a reasonable manner, or any reasonable action to maintain control and discipline of

students taken by a public school teacher, assistant teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board or governing board of a charter school does not constitute negligence or child abuse. No public school teacher, assistant teacher, principal or assistant principal so acting shall be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, or the taking of action to maintain control and discipline of a student, unless the court determines that the teacher, assistant teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety. For the purposes of this subsection, "corporal punishment" means the reasonable use of physical force or physical contact by a teacher, assistant teacher, principal or assistant principal, as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students.

SECTION 58. Section 37-13-21, Mississippi Code of 1972, is amended as follows:

37-13-21. The State Board of Health and the various county health departments are hereby authorized and empowered to establish and provide for health education programs in the public * * * school districts of this state and to employ county health educators for such purpose. In order to effectuate such programs the county superintendents of education of counties in which such programs have been established, with the approval of the county board of education, and the board of trustees of the municipal separate school districts are authorized and empowered, in their discretion, to cooperate and join with the said State Board of Health and the county health departments in such program. For such purposes the said county superintendents of education, with the approval of the county board of education, are hereby authorized and empowered to expend such funds as may be necessary from the common school funds of the county, and the board of trustees of municipal separate school districts are hereby authorized and empowered to expend such funds as may be necessary from the maintenance funds of such districts for the purpose of defraying the expenses of such cooperative health education

programs. Those students whose parents or guardians shall make written application to the proper authorities on the ground that such program is inconsistent with the tenets and practices of the known religious organization with which they are affiliated shall not be required to participate in the program.

The State Board of Health and various county health departments shall have the power and authority to enter into such agreements and joint programs with the said county superintendents of education and boards of trustees of municipal separate school districts as may be necessary, proper and desirable in carrying out the purposes of this section, and in establishing and carrying on health education programs in the public* * * school districts of this state, and the said county superintendents of education, with the approval and consent of the county board of education, and the board of trustees of municipal separate school districts shall have the power and authority to enter into such agreements and joint programs with each other and with the State Board of Health and county health departments as may be necessary for such purpose.

SECTION 59. Section 37-13-41, Mississippi Code of 1972, is amended as follows:

37-13-41. All principals and/or superintendents of public schools* * * in all school districts in Mississippi shall report to their county superintendent of education upon forms prepared and sent to the county superintendent of education by the director of the division of instruction, giving the type and amount of work done in each grade of their respective school, with other information that may be desired by the director. The county superintendents of education shall compile this information on forms sent out by the director. This shall be made in duplicate, one (1) copy to be sent to the director, and the other filed as other public records are filed in the county superintendents' offices. This report shall be made to the director by the county superintendents of education not later than the first of June each year.

SECTION 60. Section 37-13-91, Mississippi Code of 1972, is amended as follows:

37-13-91. (1) This section shall be referred to as the "Mississippi Compulsory School Attendance Law."

(2) The following terms as used in this section are defined as follows:

(a) "Parent" means the father or mother to whom a child has been born, or the father or mother by whom a child has been legally adopted.

(b) "Guardian" means a guardian of the person of a child, other than a parent, who is legally appointed by a court of competent jurisdiction.

(c) "Custodian" means any person having the present care or custody of a child, other than a parent or guardian of the child.

(d) "School day" means not less than five (5) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.

(e) "School" means any public school, including a charter school, in this state or any nonpublic school in this state which is in session each school year for at least one hundred eighty (180) school days, except that the "nonpublic" school term shall be the number of days that each school shall require for promotion from grade to grade.

(f) "Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. Provided, however, that the parent or guardian of any child enrolled in a full-day public school kindergarten program shall be allowed to disenroll the child from the program on a one-time basis, and such child shall not be deemed a compulsory-school-age child until the child attains the age of six (6) years.

(g) "School attendance officer" means a person employed by the State Department of Education pursuant to Section 37-13-89.

(h) "Appropriate school official" means the superintendent of the school district, or his designee, or, in the case of a nonpublic school, the principal or the headmaster.

(i) "Nonpublic school" means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial and home instruction programs.

(3) A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:

(a) When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.

(b) When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children.

(c) When a compulsory-school-age child is being educated in a legitimate home instruction program.

The parent, guardian or custodian of a compulsory-school-age child described in this subsection, or the parent, guardian or custodian of a compulsory-school-age child attending any charter school or nonpublic school, or the appropriate school official for any or all children attending a charter school or nonpublic school shall complete a "certificate of enrollment" in order to facilitate the administration of this section.

The form of the certificate of enrollment shall be prepared by the Office of Compulsory School Attendance Enforcement of the State Department of Education and shall be designed to obtain the following information only:

(i) The name, address, telephone number and date of birth of the compulsory-school-age child;

(ii) The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;

(iii) A simple description of the type of education the compulsory-school-age child is receiving and, if the

child is enrolled in a nonpublic school, the name and address of the school; and

(iv) The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all compulsory-school-age child or children attending a charter school or nonpublic school, the signature of the appropriate school official and the date signed.

The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section. However, in the event the child has been enrolled in a public school within fifteen (15) calendar days after the first day of the school year as required in subsection (6), the parent or custodian may, at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the certificate of enrollment to the school attendance officer and be in compliance with this subsection.

For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

(4) An "unlawful absence" is an absence during a school day by a compulsory-school-age child, which absence is not due to a valid excuse for temporary nonattendance. Days missed from school due to disciplinary suspension shall not be considered an "excused" absence under this section. This subsection shall not apply to children enrolled in a nonpublic school.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a noncharter public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

(a) An absence is excused when the absence results from the compulsory-school-age child's attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may

include field trips, athletic contests, student conventions, musical festivals and any similar activity.

(b) An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

(c) An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

(d) An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

(f) An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

(g) An absence may be excused if the religion to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

(h) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

(i) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance.

However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

(5) Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished in accordance with Section 97-5-39.

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent or his designee shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent, or his designee, also

shall report any student suspensions or student expulsions to the school attendance officer when they occur.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

(8) The State Board of Education shall adopt rules and regulations for the purpose of reprimanding any school superintendents who fail to timely report unexcused absences under the provisions of this section.

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect

the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.

SECTION 61. Section 37-15-1, Mississippi Code of 1972, is amended as follows:

37-15-1. The State Board of Education shall prepare and provide necessary forms for keeping permanent records and cumulative folders for each pupil in the public schools, including charter schools, of the state. In the permanent record and cumulative folders, the teachers and principals shall keep information concerning the pupil's date of birth, as verified by the documentation authorized in this section, record of attendance, grades and withdrawal from the school, including the date of any expulsion from the school* * * and a description of the student's act or behavior resulting in the expulsion. The records also shall contain information pertaining to immunization and such other information as the State Board of Education may prescribe. The cumulative folder, in addition to that information maintained in the permanent records, also shall contain such other information as the State Board of Education shall prescribe. It shall be the responsibility of the person in charge of each school to enforce the requirement for evidence of the age of each pupil before enrollment. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(a) A certified birth certificate;

(b) A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by a parent, grandparent or custodian;

(c) An insurance policy on the child's life which has been in force for at least two (2) years;

(d) A bona fide contemporary Bible record of the child's birth accompanied by an affidavit sworn to by the parent, grandparent or custodian;

(e) A passport or certificate of arrival in the United States showing the age of the child;

(f) A transcript of record of age shown in the child's school record of at least four (4) years prior to application, stating date of birth; or

(g) If none of these evidences can be produced, an affidavit of age sworn to by a parent, grandparent or custodian. Any child enrolling in kindergarten or Grade 1 shall present the required evidence of age upon enrollment. Any child in Grades 2 through 12 not in compliance at the end of sixty (60) days from enrollment shall be suspended until in compliance.

SECTION 62. Section 37-15-3, Mississippi Code of 1972, is amended as follows:

37-15-3. Such cumulative folders as are provided for in Section 37-15-1 shall be kept in the school wherein the pupils are in attendance. Both the permanent records and the cumulative folders shall be available to school officials, including teachers within the school district who have been determined by the school district to have legitimate educational interests. In no case, however, shall such records be available to the general public. Transcripts of courses and grades may be furnished when requested by the parent or guardian or eligible pupil as prescribed in the Family Educational Rights and Privacy Act of 1974, as amended, 20 USCS Section 1232. Such records shall be kept for each pupil throughout his entire public school enrollment period. In the event a pupil transfers to a public school, including a charter school, then the cumulative folder shall be furnished to the head of the school to which the pupil transfers; if a pupil transfers to a private school, then a copy of the cumulative folder shall be furnished to the head of the school to which the pupil transfers. The permanent record shall be kept permanently by the school district from which the pupil transferred.

At no time may a permanent record of a student be destroyed, but cumulative folders may be destroyed by order of the school board of the school district in not less than five (5) years after the permanent record of the pupil has become inactive and has been transferred to the central depository of the district. Provided, however, that where a school district makes complete copies of inactive permanent records on photographic film, microfilm, or any other acceptable form of medium for storage which may be reproduced as needed, such permanent records may be destroyed after the photographic film

or microfilm copy has been stored in the central depository of the district.

SECTION 63. Section 37-15-6, Mississippi Code of 1972, is amended as follows:

37-15-6. For the purpose of providing notice to public and private school officials, both within and outside the boundaries of the state, of the expulsion of any public school student, the State Department of Education may develop a central reporting system for maintaining information concerning each expulsion from a public school. In establishing and maintaining the reporting system, the department may require each school district and charter school to report, within a certain period of time after an expulsion, as established by the department, information such as the following:

- (a) The name of the student expelled;
- (b) The date the student was expelled;
- (c) The age of the student at the time of the expulsion;
- (d) The school from which the student was expelled;

(e) The reason for the expulsion, including a detailed description of the student's act or acts;

(f) The duration of the period of expulsion, if not indefinite; and

(g) Any other information that the department deems necessary for school officials in a public or private school, where a student is seeking enrollment, to determine whether or not a student should be denied enrollment based upon a previous expulsion.

Any information maintained by the department under the authority of this section shall be strictly confidential. The information shall be available to school officials at a public or private school only upon their request and only when a student seeks enrollment or admission to that school. In no case shall the information be available to the general public.

SECTION 64. Section 37-15-9, Mississippi Code of 1972, is amended as follows:

37-15-9. (1) Except as provided in subsection (2) and subject to the provisions of subsection (3) of this section, no child shall be enrolled or admitted to any kindergarten which is a part of* * *a public school* * * during any school

year unless such child will reach his fifth birthday on or before September 1 of said school year, and no child shall be enrolled or admitted to the first grade in any public school* * * during any school year unless such child will reach his sixth birthday on or before September 1 of said school year. No pupil shall be permanently enrolled in a public school in the State of Mississippi who formerly was enrolled in another public or private school within the state until the cumulative record of the pupil shall have been received from the school from which he transferred. Should such record have become lost or destroyed, then it shall be the duty of the superintendent or principal of the school where the pupil last attended school to initiate a new record.

(2) Subject to the provisions of subsection (3) of this section, any child who transfers from an out-of-state public or private school in which that state's law provides for a first-grade or kindergarten enrollment date subsequent to September 1, shall be allowed to enroll in the public schools of Mississippi, at the same grade level as their prior out-of-state enrollment, if:

(a) The parent, legal guardian or custodian of such child was a legal resident of the state from which the child is transferring;

(b) The out-of-state school from which the child is transferring is duly accredited by that state's appropriate accrediting authority;

(c) Such child was legally enrolled in a public or private school for a minimum of four (4) weeks in the previous state; and

(d) The superintendent of schools in the applicable Mississippi school district or the principal of a charter school, as the case may be, has determined that the child was making satisfactory educational progress in the previous state.

(3) When any child applies for admission or enrollment in any public school in the state, the parent, guardian or child, in the absence of an accompanying parent or guardian, shall indicate on the school registration form if the enrolling child has been expelled from any public or private school or is currently a party to an expulsion proceeding. If it is determined from the child's cumulative record or application

for admission or enrollment that the child has been expelled, the school district or charter school may deny the student admission and enrollment until the superintendent of the school, or his designee, or principal of the charter school, as the case may be, has reviewed the child's cumulative record and determined that the child has participated in successful rehabilitative efforts including, but not limited to, progress in an alternative school or similar program. If the child is a party to an expulsion proceeding, the child may be admitted to a public school pending final disposition of the expulsion proceeding. If the expulsion proceeding results in the expulsion of the child, the public school may revoke such admission to school. If the child was expelled or is a party to an expulsion proceeding for an act involving violence, weapons, alcohol, illegal drugs or other activity that may result in expulsion, the school district or charter school shall not be required to grant admission or enrollment to the child before one (1) calendar year after the date of the expulsion.

SECTION 65. Section 37-16-1, Mississippi Code of 1972, is amended as follows:

37-16-1. The primary purpose of the statewide testing program is to provide information needed for state-level decisions. The program shall be designed to:

(a) Assist in the identification of educational needs at the state, district and school levels.

(b) Assess how well districts and schools are meeting state goals and minimum performance standards.

(c) Provide information to aid in the development of policy issues and concerns.

(d) Provide a basis for comparisons among districts, between charter schools throughout the state and nonpublic charter schools in those school districts in which charter schools are located, and between districts, the state and the nation, where appropriate.

(e) Produce data which can be used to aid in the identification of exceptional educational programs or processes.

SECTION 66. Section 37-16-3, Mississippi Code of 1972, is amended as follows:

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37-16-3. (1) The State Department of Education is directed to implement a program of statewide assessment testing which shall provide for the improvement of the operation and management of the public schools. The statewide program shall be timed, as far as possible, so as not to conflict with ongoing district assessment programs. As part of the program, the department shall:

(a) Establish, with the approval of the State Board of Education, minimum performance standards related to the goals for education contained in the state's plan including, but not limited to, basic skills in reading, writing and mathematics. The minimum performance standards shall be approved by April 1 in each year they are established.

(b) Conduct a uniform statewide testing program in grades deemed appropriate in the public schools, including charter schools. The program may test skill areas, basic skills and high school course content.

(c) Monitor the results of the assessment program and, at any time the composite student performance of a school or basic program is found to be below the established minimum standards, notify the district superintendent or the governing board of the charter school, as the case may be, the school principal and the school advisory committee or other existing parent group of the situation within thirty (30) days of its determination. The department shall further provide technical assistance to* * * a school district in the identification of the causes of this deficiency and shall recommend courses of action for its correction.

(d) Provide technical assistance to the school districts, when requested, in the development of student performance standards in addition to the established minimum statewide standards.

(e) Issue security procedure regulations providing for the security and integrity of the tests that are administered under the basic skills assessment program.

(2) Uniform basic skills tests shall be completed by each student in the appropriate grade. These tests shall be administered in such a manner as to preserve the integrity and validity of the assessment. In the event of excused or unexcused student absences, make-up tests shall be given. The school superintendent of every school district in the

state and the principal of each charter school shall annually certify to the State Department of Education that each student enrolled in the appropriate grade has completed the required basic skills assessment test for his or her grade in a valid test administration.

SECTION 67. Section 37-17-1, Mississippi Code of 1972, is amended as follows:

37-17-1. (1) The power and authority to prescribe standards for the accreditation of noncharter public schools, to insure compliance with such standards and to establish procedures for the accreditation of noncharter public schools is hereby vested in the State Board of Education. The board shall, by orders placed upon its minutes, adopt all necessary rules and regulations to effectuate the purposes of this chapter and shall provide, through the State Department of Education, for the necessary personnel for the enforcement of standards so established.

(2) A charter school authorized by the Mississippi Charter School Authorizer Board must be granted accreditation by the State Board of Education based solely on the approval of the school by the authorizer. If the authorizer, at any time, revokes a school's charter, the State Board of Education shall withdraw the accreditation of the charter school immediately.

SECTION 68. Section 37-17-6, Mississippi Code of 1972, is amended as follows:

[Effective until the date Laws of 2012, Chapter 525, is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, this section will read:]

37-17-6. (1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and all noncharter public elementary and secondary schools shall be accredited under this system.

(2) No later than June 30, 1995, the State Board of Education, acting through the Commission on School Accreditation, shall require school districts to provide school classroom space that is air-conditioned as a minimum requirement for accreditation.

(3) (a) Beginning with the 1994-1995 school year, the State Board of Education, acting through the Commission on

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School Accreditation, shall require that school districts employ certified school librarians according to the following formula:

Number of Students	Number of Certified
Per School Library	School Librarians
0 - 499 Students	1/2 Full-time Equivalent Certified Librarian
500 or More Students	1 Full-time Certified Librarian

(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.

(c) The assignment of certified school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.

(d) School librarians in the district shall spend at least fifty percent (50%) of direct work time in a school library and shall devote no more than one-fourth (1/4) of the workday to administrative activities that are library related.

(e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians than are provided for in this section.

(f) Any additional millage levied to fund school librarians required for accreditation under this subsection shall be included in the tax increase limitation set forth in Sections 37-57-105 and 37-57-107 and shall not be deemed a new program for purposes of the limitation.

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual noncharter public schools which shall include the following:

(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;

(b) Strong accountability for results with appropriate local flexibility for local implementation;

(c) A process to implement accountability at both the school district level and the school level;

(d) Individual schools shall be held accountable for student growth and performance;

(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;

(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to those schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and federal law. Under the new designations, a school or school district that has earned a "Star" rating shall be designated an "A" school or school district; a school or school district that has earned a "High-Performing" rating shall be designated a "B" school or school district; a school or school district that has earned a "Successful" rating shall be designated a "C" school or school district; a school or school district that has earned an "Academic Watch" rating shall be designated

a "D" school or school district; a school or school district that has earned a "Low-Performing," "At-Risk of Failing" or "Failing" rating shall be designated an "F" school or school district. Effective with the implementation of any new curriculum and assessment standards, the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the school and school district accreditation rating system to a simple "A," "B," "C," "D" and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;

(h) Development of a comprehensive student assessment system to implement these requirements; and

(i) The State Board of Education may, based on a written request that contains specific reasons for requesting a waiver from the school districts affected by Hurricane Katrina of 2005, hold harmless school districts from assignment of district and school level accountability ratings for the 2005-2006 school year. The State Board of Education upon finding an extreme hardship in the school district may grant the request. It is the intent of the Legislature that all school districts maintain the highest possible academic standards and instructional programs in all schools as required by law and the State Board of Education.

The State Board of Education may continue to assign school district performance levels by using a number classification and may assign individual school performance levels by using a number classification to be consistent with school district performance levels.

(5) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.

(6) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation to determine whether schools are complying with accreditation standards.

(7) The State Board of Education shall be specifically authorized and empowered to withhold adequate education program fund allocations, whichever is applicable, to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(8) Deleted.

(9) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (14) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (14) of this section have been invoked.

(10) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

(a) Develop an impairment report for each district failing to meet accreditation standards in conjunction with school district officials;

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve: (i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how

each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the State Department of Education shall provide technical and/or financial assistance to all such school districts in order to implement each measure identified in that district's corrective action plan through professional development and on-site assistance. Each such school district shall apply for and utilize all available federal funding in order to support its corrective action plan in addition to state funds made available under this paragraph;

(d) Assign department personnel or contract, in its discretion, with the institutions of higher learning or other appropriate private entities with experience in the academic, finance and other operational functions of schools to assist school districts;

(e) Provide for publication of public notice at least one time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report; and other information as the State Board of Education deems appropriate. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

(11) (a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. After its consideration of the results of the hearing, the Commission on School Accreditation shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a

request to the Governor that a state of emergency be declared in that district.

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law, or when a school district meets the State Board of Education's definition of a failing school district for two (2) consecutive full school years, or if more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one (1) year, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, the declarations of a state of emergency shall not be limited to those instances when a school district's impairments are related to a lack of financial resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

(c) Whenever the Governor declares a state of emergency in a school district in response to a request made under paragraph (a) or (b) of this subsection, the State Board of Education may take one or more of the following actions:

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided in Section 206, Constitution of 1890, until the board determines corrective actions are being taken or the deficiencies have been removed, or that the needs of students warrant the release of funds. The funds may be released from escrow for any program which the board determines to have been restored to standard even though the state of emergency may not as yet be terminated for the district as a whole;

(ii) Override any decision of the local school board or superintendent of education, or both, concerning the management and operation of the school district, or initiate and make decisions concerning the management and operation of the school district;

(iii) Assign an interim conservator, or in its discretion, contract with a private entity with experience

in the academic, finance and other operational functions of schools and school districts, who will have those powers and duties prescribed in subsection (14) of this section;

(iv) Grant transfers to students who attend this school district so that they may attend other accredited schools or districts in a manner that is not in violation of state or federal law;

(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest of the pupils of the district for the consolidation to proceed, the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education;

(vi) For states of emergency declared under paragraph (b) only, reduce local supplements paid to school district employees, including, but not limited to, instructional personnel, assistant teachers and extracurricular activities personnel, if the district's impairment is related to a lack of financial resources, but only to an extent that will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education;

(vii) For states of emergency declared under paragraph (b) only, the State Board of Education may take any action as prescribed in Section 37-17-13.

(d) At the time that satisfactory corrective action has been taken in a school district in which a state of emergency has been declared, the State Board of Education may request the Governor to declare that the state of emergency no longer exists in the district.

(e) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi

Recovery School District shall provide leadership and oversight of all school districts that are subject to state conservatorship, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2) chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee conservators assigned by the State Board of Education to a local school district, hear appeals from school districts under conservatorship that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the school district from which the appeal originated in order to ensure the ability of appellants, other parties and witnesses to appeal without undue burden of travel costs or loss of time from work, and perform other related duties as assigned by the State Superintendent of Public Education. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall determine, based on rigorous professional qualifications set by the State Board of Education, the appropriate individuals to be engaged to be conservators and financial advisors, if applicable, of all school districts subject to state conservatorship. After State Board of Education approval, these individuals shall be deemed independent contractors.

(12) Upon the declaration of a state of emergency in a school district under subsection (11) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If a conservator has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name

of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed conservator (name of conservator)."

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the district's impairment deficiencies, conditions of any conservatorship and corrective actions recommended and being taken. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

Upon termination of the state of emergency in a school district, the Commission on School Accreditation shall cause notice to be published in the school district in the same manner provided in this section, to include any or all details relating to the corrective action taken in the school district that resulted in the termination of the state of emergency.

(13) The State Board of Education or the Commission on School Accreditation shall have the authority to require school districts to produce the necessary reports, correspondence, financial statements, and any other documents and information necessary to fulfill the requirements of this section.

Nothing in this section shall be construed to grant any individual, corporation, board or conservator the authority to levy taxes except in accordance with presently existing statutory provisions.

(14) (a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (11) of this section, the State Board of Education, in its discretion, may assign an interim conservator to the school district, or in its discretion, may contract with an appropriate private entity with experience in the academic, finance and other operational functions of schools and school districts, who will be responsible for the administration, management and operation of the school district, including, but not limited to, the following activities:

(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel, contractual agreements and purchase

orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim conservator shall not be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105;

(ii) Supervising the day-to-day activities of the district's staff, including reassigning the duties and responsibilities of personnel in a manner which, in the determination of the conservator, will best suit the needs of the district;

(iii) Reviewing the district's total financial obligations and operations and making recommendations to the district for cost savings, including, but not limited to, reassigning the duties and responsibilities of staff;

(iv) Attending all meetings of the district's school board and administrative staff;

(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

(vi) Maintaining a detailed account of recommendations made to the district and actions taken in response to those recommendations;

(vii) Reporting periodically to the State Board of Education on the progress or lack of progress being made in the district to improve the district's impairments during the state of emergency; and

(viii) Appointing a parent advisory committee, comprised of parents of students in the school district that may make recommendations to the conservator concerning the administration, management and operation of the school district.

Except when, in the determination of the State Board of Education, the school district's impairment is related to a lack of financial resources, the cost of the salary of the conservator and any other actual and necessary costs related to the conservatorship paid by the State Department of Education shall be reimbursed by the local school district from funds other than adequate education program funds. The department shall submit an itemized statement to the superintendent of

the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's adequate education program funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, the powers and responsibilities of the interim conservator assigned to the district shall cease.

(b) In order to provide loans to school districts under a state of emergency that have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds.

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the State General Fund or the Education Enhancement Fund, depending on the source of funding for the loan, by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's adequate education program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; the funds withheld by the department shall be deposited into the State General Fund or the Education Enhancement Fund, as the case may be.

The State Board of Education shall develop a protocol that will outline the performance standards and requisite time line deemed necessary for extreme emergency measures. If the State Board of Education determines that an extreme

emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. The action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety bonds of school officials or from any civil action brought under this subsection shall be applied toward the repayment of any loan made to a school district hereunder.

(15) If a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim conservator, who shall be responsible for the administration, management and operation of the school district until the time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (11), whichever occurs first. In that case, the State Board of Education, acting through the interim conservator, shall have all powers which were held by the previously existing school board, and may take any action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

(16) (a) If the Governor declares a state of emergency in a school district, the State Board of Education may take all such action pertaining to that school district as is authorized under subsection (11) or (14) of Section 37-17-6, including the appointment of an interim conservator. The State Board of Education shall also have the authority to issue a written request with documentation to the Governor asking that the office of the superintendent of the school district be subject to recall. If the Governor declares that the office of the superintendent of the school district is subject to recall, the local school board or the county election commission, as the case may be, shall take the following action:

(i) If the office of superintendent is an elected office, in those years in which there is no general election, the name shall be submitted by the State Board of Education to the county election commission, and the county election commission shall submit the question at a special election to the voters eligible to vote for the office of superintendent

within the county, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Shall County Superintendent of Education _____ (here the name of the superintendent shall be inserted) of the _____ (here the title of the school district shall be inserted) be retained in office? Yes _____ No _____"

If a majority of those voting on the question votes against retaining the superintendent in office, a vacancy shall exist which shall be filled in the manner provided by law; otherwise, the superintendent shall remain in office for the term of that office, and at the expiration of the term shall be eligible for qualification and election to another term or terms.

(ii) If the office of superintendent is an appointive office, the name of the superintendent shall be submitted by the president of the local school board at the next regular meeting of the school board for retention in office or dismissal from office. If a majority of the school board voting on the question vote against retaining the superintendent in office, a vacancy shall exist which shall be filled as provided by law, otherwise the superintendent shall remain in office for the duration of his employment contract.

(b) The State Board of Education may issue a written request with documentation to the Governor asking that the membership of the school board of the school district shall be subject to recall. Whenever the Governor declares that the membership of the school board is subject to recall, the county election commission or the local governing authorities, as the case may be, shall take the following action:

(i) If the members of the local school board are elected to office, in those years in which the specific member's office is not up for election, the name of the school board member shall be submitted by the State Board of Education to the county election commission, and the county election commission at a special election shall submit the question to the voters eligible to vote for the particular member's office within the county or school district, as the case may be, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

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"Members of the _____ (here the title of the school district shall be inserted) School Board who are not up for election this year are subject to recall because of the school district's failure to meet critical accountability standards as defined in the letter of notification to the Governor from the State Board of Education. Shall the member of the school board representing this area, _____ (here the name of the school board member holding the office shall be inserted), be retained in office? Yes _____ No _____"

If a majority of those voting on the question vote against retaining the member of the school board in office, a vacancy in that board member's office shall exist, which shall be filled in the manner provided by law; otherwise, the school board member shall remain in office for the term of that office, and at the expiration of the term of office, the member shall be eligible for qualification and election to another term or terms of office. However, if a majority of the school board members are recalled in the special election, the Governor shall authorize the board of supervisors of the county in which the school district is situated to appoint members to fill the offices of the members recalled. The board of supervisors shall make those appointments in the manner provided by law for filling vacancies on the school board, and the appointed members shall serve until the office is filled at the next regular special election or general election.

(ii) If the local school board is an appointed school board, the name of all school board members shall be submitted as a collective board by the president of the municipal or county governing authority, as the case may be, at the next regular meeting of the governing authority for retention in office or dismissal from office. If a majority of the governing authority voting on the question vote against retaining the board in office, a vacancy shall exist in each school board member's office, which shall be filled as provided by law; otherwise, the members of the appointed school board shall remain in office for the duration of their term of appointment, and those members may be reappointed.

(iii) If the local school board is comprised of both elected and appointed members, the elected members shall be subject to recall in the manner provided in subparagraph (i) of this subsection, and the appointed members shall be subject to recall in the manner provided in subparagraph (ii).

(17) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the auditing of fixed assets records as a minimum requirement for accreditation.

(18) Before December 1, 1999, the State Board of Education shall recommend a program to the Education Committees of the House of Representatives and the Senate for identifying and rewarding public schools that improve or are high performing. The program shall be described by the board in a written report, which shall include criteria and a process through which improving schools and high-performing schools will be identified and rewarded.

The State Superintendent of Public Education and the State Board of Education also shall develop a comprehensive accountability plan to ensure that local school boards, superintendents, principals and teachers are held accountable for student achievement. A written report on the accountability plan shall be submitted to the Education Committees of both houses of the Legislature before December 1, 1999, with any necessary legislative recommendations.

(19) Before January 1, 2008, the State Board of Education shall evaluate and submit a recommendation to the Education Committees of the House of Representatives and the Senate on inclusion of graduation rate and dropout rate in the school level accountability system.

(20) If a local school district is determined as failing and placed into conservatorship for reasons authorized by the provisions of this section, the conservator appointed to the district shall, within forty-five (45) days after being appointed, present a detailed and structured corrective action plan to move the local school district out of conservatorship status to the local school board and local superintendent of education if they have not been removed by the conservator, or if the board and superintendent have been removed, to the local governing authority of the municipality or county in which the school district under conservatorship is located. A copy of the conservator's corrective action plan shall also be filed with the State Board of Education.

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[Effective from and after the date Laws of 2012, Chapter 525, is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, this section will read:]

37-17-6. (1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and all noncharter public elementary and secondary schools shall be accredited under this system.

(2) No later than June 30, 1995, the State Board of Education, acting through the Commission on School Accreditation, shall require school districts to provide school classroom space that is air-conditioned as a minimum requirement for accreditation.

(3) (a) Beginning with the 1994-1995 school year, the State Board of Education, acting through the Commission on School Accreditation, shall require that school districts employ certified school librarians according to the following formula:

Number of Students Per School Library	Number of Certified School Librarians
0 - 499 Students	1/2 Full-time Equivalent Certified Librarian
500 or More Students	1 Full-time Certified Librarian

(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.

(c) The assignment of certified school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.

(d) School librarians in the district shall spend at least fifty percent (50%) of direct work time in a school library and shall devote no more than one-fourth (1/4) of the workday to administrative activities that are library related.

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(e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians than are provided for in this section.

(f) Any additional millage levied to fund school librarians required for accreditation under this subsection shall be included in the tax increase limitation set forth in Sections 37-57-105 and 37-57-107 and shall not be deemed a new program for purposes of the limitation.

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual noncharter public schools which shall include the following:

(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;

(b) Strong accountability for results with appropriate local flexibility for local implementation;

(c) A process to implement accountability at both the school district level and the school level;

(d) Individual schools shall be held accountable for student growth and performance;

(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;

(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to those schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout

rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and federal law. Under the new designations, a school or school district that has earned a "Star" rating shall be designated an "A" school or school district; a school or school district that has earned a "High-Performing" rating shall be designated a "B" school or school district; a school or school district that has earned a "Successful" rating shall be designated a "C" school or school district; a school or school district that has earned an "Academic Watch" rating shall be designated a "D" school or school district; a school or school district that has earned a "Low-Performing," "At-Risk of Failing" or "Failing" rating shall be designated an "F" school or school district. Effective with the implementation of any new curriculum and assessment standards, the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the school and school district accreditation rating system to a simple "A," "B," "C," "D" and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;

(h) Development of a comprehensive student assessment system to implement these requirements; and

(i) The State Board of Education may, based on a written request that contains specific reasons for requesting a waiver from the school districts affected by Hurricane Katrina of 2005, hold harmless school districts from assignment of district and school level accountability ratings for the 2005-2006 school year. The State Board of Education upon finding an extreme hardship in the school district may grant the request. It is the intent of the Legislature that all school

districts maintain the highest possible academic standards and instructional programs in all schools as required by law and the State Board of Education.

The State Board of Education may continue to assign school district performance levels by using a number classification and may assign individual school performance levels by using a number classification to be consistent with school district performance levels.

(5) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.

(6) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation to determine whether schools are complying with accreditation standards.

(7) The State Board of Education shall be specifically authorized and empowered to withhold adequate education program fund allocations, whichever is applicable, to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(8) Deleted.

(9) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (14) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (14) of this section have been invoked.

(10) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

(a) Develop an impairment report for each district failing to meet accreditation standards in conjunction with school district officials;

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(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve: (i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the State Department of Education shall provide technical and/or financial assistance to all such school districts in order to implement each measure identified in that district's corrective action plan through professional development and on-site assistance. Each such school district shall apply for and utilize all available federal funding in order to support its corrective action plan in addition to state funds made available under this paragraph;

(d) Assign department personnel or contract, in its discretion, with the institutions of higher learning or other appropriate private entities with experience in the academic, finance and other operational functions of schools to assist school districts;

(e) Provide for publication of public notice at least one time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper

is published therein, then in a newspaper having a general circulation therein. The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report; and other information as the State Board of Education deems appropriate. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

(11) (a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. Additionally, if the local school district violates accreditation standards that have been determined by the policies and procedures of the State Board of Education to be a basis for withdrawal of school district's accreditation without a probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. After its consideration of the results of the hearing, the Commission on School Accreditation shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared in that district.

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law, or when a school district meets the State Board of Education's definition of a failing school district for two (2) consecutive full school years, or if more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one (1) year, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, the declarations of a state of emergency shall not be limited to those instances when a school district's

impairments are related to a lack of financial resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance. ~

(c) Whenever the Governor declares a state of emergency in a school district in response to a request made under paragraph (a) or (b) of this subsection, the State Board of Education may take one or more of the following actions:

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided in Section 206, Constitution of 1890, until the board determines corrective actions are being taken or the deficiencies have been removed, or that the needs of students warrant the release of funds. The funds may be released from escrow for any program which the board determines to have been restored to standard even though the state of emergency may not as yet be terminated for the district as a whole;

(ii) Override any decision of the local school board or superintendent of education, or both, concerning the management and operation of the school district, or initiate and make decisions concerning the management and operation of the school district;

(iii) Assign an interim conservator, or in its discretion, contract with a private entity with experience in the academic, finance and other operational functions of schools and school districts, who will have those powers and duties prescribed in subsection (14) of this section;

(iv) Grant transfers to students who attend this school district so that they may attend other accredited schools or districts in a manner that is not in violation of state or federal law;

(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest of the pupils of the district for the

consolidation to proceed, the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education;

(vi) For states of emergency declared under paragraph (b) only, reduce local supplements paid to school district employees, including, but not limited to, instructional personnel, assistant teachers and extracurricular activities personnel, if the district's impairment is related to a lack of financial resources, but only to an extent that will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education;

(vii) For states of emergency declared under paragraph (b) only, the State Board of Education may take any action as prescribed in Section 37-17-13.

(d) At the time that satisfactory corrective action has been taken in a school district in which a state of emergency has been declared, the State Board of Education may request the Governor to declare that the state of emergency no longer exists in the district.

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b). In the event the accreditation of the student's home district is restored after a transfer has been approved, the student may continue to attend the transferee school district. The per-pupil amount of the adequate education program allotment, including the collective "add-on program" costs for the student's home school district shall be transferred monthly to the school district accredited by the Commission on School Accreditation that has granted the transfer of the school-age child.

(f) Upon the declaration of a state of emergency for any school district in which the Governor has previously declared a state of emergency, the State Board of Education may either (i) establish a conservatorship or (ii) abolish the school district and administratively consolidate the school district with one or more existing school districts or (iii) reduce

the size of the district and administratively consolidate parts of the district, as determined by the State Board of Education; provided, however, that no school district which is not under conservatorship shall be required to accept additional territory over the objection of the district.

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to state conservatorship, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2) chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee conservators assigned by the State Board of Education to a local school district, hear appeals from school districts under conservatorship that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the school district from which the appeal originated in order to ensure the ability of appellants, other parties and witnesses to appeal without undue burden of travel costs or loss of time from work, and perform other related duties as assigned by the State Superintendent of Public Education. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall determine, based on rigorous professional qualifications set by the State Board of Education, the appropriate individuals to be engaged to be conservators and financial advisors, if applicable, of all school districts subject to state conservatorship. After State Board of Education approval, these individuals shall be deemed independent contractors.

(12) Upon the declaration of a state of emergency in a school district under subsection (11) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks

in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If a conservator has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed conservator (name of conservator)."

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the district's impairment deficiencies, conditions of any conservatorship and corrective actions recommended and being taken. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

Upon termination of the state of emergency in a school district, the Commission on School Accreditation shall cause notice to be published in the school district in the same manner provided in this section, to include any or all details relating to the corrective action taken in the school district that resulted in the termination of the state of emergency.

(13) The State Board of Education or the Commission on School Accreditation shall have the authority to require school districts to produce the necessary reports, correspondence, financial statements, and any other documents and information necessary to fulfill the requirements of this section.

Nothing in this section shall be construed to grant any individual, corporation, board or conservator the authority to levy taxes except in accordance with presently existing statutory provisions.

(14) (a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (11) of this section, the State Board of Education, in its discretion, may assign an interim conservator to the school district, or in its discretion, may contract with an

appropriate private entity with experience in the academic, finance and other operational functions of schools and school districts, who will be responsible for the administration, management and operation of the school district, including, but not limited to, the following activities:

(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel, contractual agreements and purchase orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim conservator shall not be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105;

(ii) Supervising the day-to-day activities of the district's staff, including reassigning the duties and responsibilities of personnel in a manner which, in the determination of the conservator, will best suit the needs of the district;

(iii) Reviewing the district's total financial obligations and operations and making recommendations to the district for cost savings, including, but not limited to, reassigning the duties and responsibilities of staff;

(iv) Attending all meetings of the district's school board and administrative staff;

(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

(vi) Maintaining a detailed account of recommendations made to the district and actions taken in response to those recommendations;

(vii) Reporting periodically to the State Board of Education on the progress or lack of progress being made in the district to improve the district's impairments during the state of emergency; and

(viii) Appointing a parent advisory committee, comprised of parents of students in the school district that may make recommendations to the conservator concerning

the administration, management and operation of the school district.

Except when, in the determination of the State Board of Education, the school district's impairment is related to a lack of financial resources, the cost of the salary of the conservator and any other actual and necessary costs related to the conservatorship paid by the State Department of Education shall be reimbursed by the local school district from funds other than adequate education program funds. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's adequate education program funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, the powers and responsibilities of the interim conservator assigned to the district shall cease.

(b) In order to provide loans to school districts under a state of emergency or under conservatorship that have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. Funds in the School District Emergency Assistance Fund up to a maximum balance of Three Million Dollars (\$3,000,000.00) annually shall not lapse but shall be available for expenditure in subsequent years subject to approval of the State Board of Education. Any amount in the fund in excess of Three Million Dollars (\$3,000,000.00) at the end of the fiscal year shall lapse into the State General Fund or the Education Enhancement Fund, depending on the source of the fund.

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or under conservatorship, in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the School District Emergency Assistance Fund*

* * by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's adequate education program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; the funds withheld by the department shall be deposited into the School District Emergency Assistance Fund.

The State Board of Education shall develop a protocol that will outline the performance standards and requisite time line deemed necessary for extreme emergency measures. If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. The action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety bonds of school officials or from any civil action brought under this subsection shall be applied toward the repayment of any loan made to a school district hereunder.

(15) If a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim conservator, who shall be responsible for the administration, management and operation of the school district until the time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (11), whichever occurs first. In that case, the State Board of Education, acting through the interim conservator, shall have all powers which were held by the previously existing school board, and may take any action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

(16) (a) If the Governor declares a state of emergency in a school district, the State Board of Education may take all such action pertaining to that school district as is authorized under subsection (11) or (14) of Section 37-17-6, including the appointment of an interim conservator. The State Board of Education shall also have the authority to issue a written request with documentation to the Governor asking that the office of the superintendent of the school district be subject to recall. If the Governor declares that the office of the superintendent of the school district is subject to recall, the local school board or the county election commission, as the case may be, shall take the following action:

(i) If the office of superintendent is an elected office, in those years in which there is no general election, the name shall be submitted by the State Board of Education to the county election commission, and the county election commission shall submit the question at a special election to the voters eligible to vote for the office of superintendent within the county, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Shall County Superintendent of Education _____ (here the name of the superintendent shall be inserted) of the _____ (here the title of the school district shall be inserted) be retained in office? Yes _____ No _____"

If a majority of those voting on the question votes against retaining the superintendent in office, a vacancy shall exist which shall be filled in the manner provided by law; otherwise, the superintendent shall remain in office for the term of that office, and at the expiration of the term shall be eligible for qualification and election to another term or terms.

(ii) If the office of superintendent is an appointive office, the name of the superintendent shall be submitted by the president of the local school board at the next regular meeting of the school board for retention in office or dismissal from office. If a majority of the school board voting on the question vote against retaining the superintendent in office, a vacancy shall exist which shall be filled as provided by law, otherwise the superintendent shall remain in office for the duration of his employment contract.

(b) The State Board of Education may issue a written request with documentation to the Governor asking that the

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membership of the school board of the school district shall be subject to recall. Whenever the Governor declares that the membership of the school board is subject to recall, the county election commission or the local governing authorities, as the case may be, shall take the following action:

(i) If the members of the local school board are elected to office, in those years in which the specific member's office is not up for election, the name of the school board member shall be submitted by the State Board of Education to the county election commission, and the county election commission at a special election shall submit the question to the voters eligible to vote for the particular member's office within the county or school district, as the case may be, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Members of the _____ (here the title of the school district shall be inserted) School Board who are not up for election this year are subject to recall because of the school district's failure to meet critical accountability standards as defined in the letter of notification to the Governor from the State Board of Education. Shall the member of the school board representing this area, _____ (here the name of the school board member holding the office shall be inserted), be retained in office? Yes _____ No _____"

If a majority of those voting on the question vote against retaining the member of the school board in office, a vacancy in that board member's office shall exist, which shall be filled in the manner provided by law; otherwise, the school board member shall remain in office for the term of that office, and at the expiration of the term of office, the member shall be eligible for qualification and election to another term or terms of office. However, if a majority of the school board members are recalled in the special election, the Governor shall authorize the board of supervisors of the county in which the school district is situated to appoint members to fill the offices of the members recalled. The board of supervisors shall make those appointments in the manner provided by law for filling vacancies on the school board, and the appointed members shall serve until the office is filled at the next regular special election or general election.

(ii) If the local school board is an appointed school board, the name of all school board members shall be submitted as a collective board by the president of the municipal or county governing authority, as the case may be, at the next regular meeting of the governing authority for retention in office or dismissal from office. If a majority of the governing authority voting on the question vote against retaining the board in office, a vacancy shall exist in each school board member's office, which shall be filled as provided by law; otherwise, the members of the appointed school board shall remain in office for the duration of their term of appointment, and those members may be reappointed.

(iii) If the local school board is comprised of both elected and appointed members, the elected members shall be subject to recall in the manner provided in subparagraph (i) of this subsection, and the appointed members shall be subject to recall in the manner provided in subparagraph (ii).

(17) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the auditing of fixed assets records as a minimum requirement for accreditation.

(18) Before December 1, 1999, the State Board of Education shall recommend a program to the Education Committees of the House of Representatives and the Senate for identifying and rewarding public schools that improve or are high performing. The program shall be described by the board in a written report, which shall include criteria and a process through which improving schools and high-performing schools will be identified and rewarded.

The State Superintendent of Public Education and the State Board of Education also shall develop a comprehensive accountability plan to ensure that local school boards, superintendents, principals and teachers are held accountable for student achievement. A written report on the accountability plan shall be submitted to the Education Committees of both houses of the Legislature before December 1, 1999, with any necessary legislative recommendations.

(19) Before January 1, 2008, the State Board of Education shall evaluate and submit a recommendation to the Education

Committees of the House of Representatives and the Senate on inclusion of graduation rate and dropout rate in the school level accountability system.

(20) If a local school district is determined as failing and placed into conservatorship for reasons authorized by the provisions of this section, the conservator appointed to the district shall, within forty-five (45) days after being appointed, present a detailed and structured corrective action plan to move the local school district out of conservatorship status to the local school board and local superintendent of education if they have not been removed by the conservator, or if the board and superintendent have been removed, to the local governing authority of the municipality or county in which the school district under conservatorship is located. A copy of the conservator's corrective action plan shall also be filed with the State Board of Education.

SECTION 69. Section 37-18-1, Mississippi Code of 1972, is amended as follows:

37-18-1. (1) The State Board of Education shall establish, design and implement a Superior-Performing Schools Program and an Exemplary Schools Program for identifying and rewarding public schools, including charter schools, that improve. The State Board of Education shall develop rules and regulations for the program, establish criteria and establish a process through which Superior-Performing and Exemplary Schools will be identified and rewarded. Upon full implementation of the statewide testing program, Superior-Performing, Exemplary or School At-Risk designation shall be made by the State Board of Education in accordance with the following:

(a) A growth expectation will be established by testing students annually and, using a psychometrically approved formula, by tracking their progress. This growth expectation will result in a composite score each year for each school.

(b) A determination will be made as to the percentage of students proficient in each school. This measurement will define what a student must know in order to be deemed proficient at each grade level and will clearly show how well a student is performing. The definition of proficiency shall be developed for each grade, based on a demonstrated range of performance in relation to content as reflected in the Mississippi Curriculum Frameworks. This range of performance must be established

through a formal procedure including educators, parents, community leaders and other stakeholders.

(c) A school has the following two (2) methods for designation as either a Superior-Performing or an Exemplary School, to be determined on an annual basis:

(i) A school exceeds its growth expectation by a percentage established by the State Board of Education; or

(ii) A school achieves the grade level proficiency standard established by the State Board of Education.

Any school designated as a School At-Risk which exceeds its growth expectation by a percentage established by the State Board of Education shall no longer be considered a School At-Risk and shall be eligible for monetary awards under this section.

(2) Superior-Performing and Exemplary Schools may apply to the State Board of Education for monetary incentives to be used for selected school needs, as identified by a vote of all licensed and instructional personnel employed at the school. These incentive funds may be used for specific school needs, including, but not limited to:

(a) Funding for professional development activities. Staff participating in such activities will report to the school and school district or, in the case of a charter school, the governing board of the school about the benefits and lessons learned from such training;

(b) Technology needs;

(c) Sabbaticals for teachers or administrators, or both, to pursue additional professional development or educational enrichment;

(d) Paid professional leave;

(e) Training for parents, including, but not limited to, the following:

(i) Curriculum;

(ii) Chapter 1;

(iii) Special need students;

(iv) Student rights and responsibility;

(v) School and community relations;

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(vi) Effective parenting.

All funds awarded under this subsection shall be subject to specific appropriation therefor by the Legislature.

(3) The State Board of Education shall provide special recognition to all schools receiving Superior-Performing or Exemplary designation and, in the case of noncharter public schools, their school districts. Examples of such recognition include, but are not limited to: public announcements and events; special recognition of student progress and effort; certificates of recognition and plaques for teachers, principals, superintendents, support and classified personnel and parents; and media announcements utilizing the services of Mississippi Educational Television.

SECTION 70. Section 37-21-3, Mississippi Code of 1972, is amended as follows:

37-21-3. (1) No person shall act in the capacity of teacher, assistant teacher or teacher's aide in any federal or state funded program of early childhood education or "Headstart," or perform any of the functions, duties or powers of the same, unless that person shall be qualified in the following manner:

(a) A head teacher or any other employee or consultant receiving a salary or fee equivalent to that of a head teacher, shall possess a college degree or its equivalent.

(b) A teacher shall possess a full junior college or two (2) years of college education or its equivalent.

(c) An assistant teacher shall possess a high school diploma or its equivalent.

(d) A teacher's aide shall possess an eighth-grade education or its equivalent.

(2) Persons employed as a teacher, assistant teacher or in any other capacity in a pre-kindergarten or early childhood education program in a charter school authorized by the Mississippi Charter School Authorizer Board are exempt from the requirements of this section.

SECTION 71. Section 37-41-1, Mississippi Code of 1972, is amended as follows:

37-41-1. The State Board of Education is authorized, empowered and directed to promulgate rules and regulations

relating to the transportation of students enrolled in the public school districts, including rules and regulations for:

(a) Setting standards for public school district bus routes;

(b) Setting standards for public school district buses;

(c) Setting standards for public school district bus drivers;

(d) Formulating procedure for selecting public school district bus drivers;

(e) Formulating courses of training for public school district bus drivers and mechanics, and assist in administering and financing such courses;

(f) Providing operation procedure for public school district buses to insure safety of pupils;

(g) Formulating specifications for use in purchasing public school district buses; getting bids on public school district buses; equipment and supplies; and fixing prices based upon said bids which school districts may not exceed in purchasing said equipment;

(h) Formulating specifications for use by school districts in purchasing used school buses; and

(i) Providing a system of records and reports for the purpose of carrying out the provisions of Sections 37-41-1 through 37-41-51, and providing the superintendent of schools with a sufficient supply of report forms.

All rules and regulations adopted and promulgated by the State Board of Education relating to school district bus drivers shall also be applicable to drivers of privately owned buses transporting public school district children.

All rules and regulations adopted and promulgated by the State Board of Education pursuant to the authority conferred by this section shall be spread at large upon the minutes of the State Board of Education and copies thereof shall be furnished to all school boards not less than thirty (30) days prior to the effective date of such rules and regulations.

The provisions of this chapter are applicable to school districts and the transportation of students enrolled in public school districts. Charter schools authorized by the

Mississippi Charter School Authorizer Board are exempt from the provisions of this chapter.

SECTION 72. Section 37-41-3, Mississippi Code of 1972, is amended as follows:

37-41-3. Pupils of legal school age, which shall include kindergarten pupils, and in actual attendance in the public schools who live a distance of one (1) mile or more by the nearest traveled road from the school to which they are assigned by the school district in which they are enrolled shall be entitled to transportation within the meaning of this chapter. Nothing contained in this section shall be construed to bar any child from such transportation where he or she lives less than one (1) mile and is on the regular route of travel of a school bus and space is available in such bus for such transportation. No state funds shall be paid for the transportation of children living within one (1) mile of the school, except as otherwise provided in this chapter, and such children shall not be included in transportation reports. In the development of route plans, economy shall be a prime consideration. There shall be no duplication of routes except in circumstances where it is totally unavoidable. The State Department of Education shall have authority to investigate school bus routing when there is reason to believe the provisions of this statute are being violated. The State Board of Education shall have authority to withhold transportation funds when school districts fail to correct unnecessary route duplication. Provided further, that all school districts are hereby authorized to lease or contract with any public or private individual, partnership, corporation, association, agency or other organization for the implementation of transportation of pupils as provided for in this section.

The school boards may provide transportation to such crippled and physically handicapped children as may be designated by such boards, when the failure to do so would result in undue hardship, even though the children are not otherwise entitled to transportation under the provisions of this chapter. The State Department of Education shall require all school districts during the 1993-1994 school year to equip school buses with properly designed seat belts to protect such physically handicapped children, and school districts are

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authorized to expend funds therefor from nonminimum program or other sources.

Where space is available, students attending junior colleges shall be allowed transportation on established routes in district-owned buses. However, no additional funds shall be allocated or expended for such purposes, and such persons shall not be included in transportation reports.

Children enrolled in special or alternative programs approved by school boards may be provided transportation even though such children are not otherwise entitled to transportation under the provisions of this chapter. No additional funds shall be allocated or expended for such purpose, and such children shall not be included in transportation reports.

SECTION 73. Section 37-41-23, Mississippi Code of 1972, is amended as follows:

37-41-23. The State Board of Education shall prescribe keeping and preservation of all records and the making of all reports and the description thereof as the board may deem necessary for the efficient operation of the school district transportation system of this state. It shall be unlawful for any pay certificate to be issued to any school district carrier or bus driver until all such reports required by the regulations of the State Board of Education shall have been filed in accordance with said regulations. Any person making a false list, report, or record required by the aforesaid rules and regulations of the State Board of Education shall be subject to the penalties provided by Section 37-41-25.

SECTION 74. Section 37-41-25, Mississippi Code of 1972, is brought forward as follows:

37-41-25. Any superintendent of schools, member of the school board, superintendent, principal or carrier, or bus driver, who shall knowingly make any false report, list or record, or who shall knowingly make use of any false report, list or record concerning the number of school children being transported or entitled to be transported in any county or school district shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a period not to exceed sixty (60) days, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), or by both such fine and imprisonment, in the discretion of the court. In addition, any

such person shall be civilly liable for all amounts of public funds which are illegally, unlawfully or wrongfully expended or paid out by virtue of or pursuant to such false report, list or record, and upon conviction or adjudication of civil liability hereunder such person shall forfeit his license to teach for a period of three (3) years, if such person is the holder of such a license. Any suit to recover such funds illegally, unlawfully, or wrongfully expended or paid out may be brought in the name of the State of Mississippi by the Attorney General or the proper district attorney or county attorney. In the event such suit be brought against a person who is under bond, the sureties upon such bond shall likewise be liable for such amount illegally, unlawfully or wrongfully expended or paid out.

SECTION 75. Section 37-41-31, Mississippi Code of 1972, is amended as follows:

37-41-31. In each case where pupils are transported to and from the public schools in the school districts of this state in privately owned vehicles, the contract for such transportation shall be let to the lowest responsible bidder who is able to furnish a solvent bond for the faithful performance of his contract. This shall be done after each route over which such pupils are to be transported has been laid out and established as provided in this chapter. Such contracts shall be awarded upon receipt of sealed bids or proposals after the time and place of letting such contracts and the manner of bidding have been duly advertised in some newspaper published in the county in accordance with the procedures provided in Section 31-7-13(c). If no newspaper is published in the county, then the advertisement shall be made by publication for the required time in some newspaper having a general circulation therein, and, in addition, by posting a copy thereof for that time in at least three (3) public places in the county, one (1) of which shall be at the county courthouse in each judicial district of the county. The awarding of all such contracts shall, however, in all respects be subject to the provisions of Section 37-41-29.

Private contracts for the transportation of exceptional children, as defined in Section 37-23-3, may be negotiated by the local school board without the necessity of the advertising for or taking of bids. The same may apply under extraordinary circumstances where regular transportation is considered to

be impractical. The local school board may negotiate and contract for the transportation described in this paragraph so long as the local school board complies with the school transportation regulations promulgated by the State Board of Education.

Contracts shall be made for four (4) years, at the discretion of the local school board. Any and all bids may be rejected. At the expiration of any transportation contract, if the school board believes a route should remain substantially as established and finds that the carrier thereon has rendered efficient and satisfactory services it may extend the contract for not more than four (4) years, subject, however, to the provisions of Section 37-41-29.

SECTION 76. Section 37-41-43, Mississippi Code of 1972, is amended as follows:

37-41-43. All publicly owned school district buses which are hereafter acquired, and all publicly owned school district buses which shall hereafter be repainted, whether presently owned or hereafter acquired, and all publicly owned school district buses which do not have the name of the county or school district owning same painted thereon, whether such buses be owned by the county or a school district, shall have painted on both sides thereof the name of the county or school district owning same. Such words shall be painted on each such bus in letters at least five (5) inches in height and in a color which is in contrast with the color of the vehicle.

SECTION 77. Section 37-41-45, Mississippi Code of 1972, is amended as follows:

37-41-45. It shall be a misdemeanor for any person to use a publicly owned school district bus for any purpose other than one in connection with the school, and, upon conviction thereof, such person shall be fined not less than Fifty Dollars (\$50.00). When any publicly owned school district bus is being operated on the public roads or highways at a time other than the usual and customary time for the transportation of children to and from the public schools, members of the Highway Safety Patrol, sheriffs, constables and other peace officers shall have the power and authority to stop such bus for the purpose of ascertaining whether the trip then being made is authorized by law. If it be found that such trip is unauthorized, such highway patrolman, sheriff, constable or other peace or police officer shall forthwith report the

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same to the school board owning such bus and to the State Department of Education.

SECTION 78. Section 37-41-49, Mississippi Code of 1972, is amended as follows:

37-41-49. In case of any violation by a school district bus driver or carrier of the safety regulations established by the State Board of Education, such violation shall be deemed a misdemeanor and such offender may be punished as provided in Section 37-41-47.

SECTION 79. Section 37-41-53, Mississippi Code of 1972, is amended as follows:

37-41-53. (1) Each school board, person, firm or corporation transporting public school district children on the public roads, streets and highways of the state with motor vehicles shall have the motor vehicles inspected according to the laws of the state. Each motor vehicle shall be inspected by a competent mechanic to be safe for transporting pupils on the roads, streets and highways of the state before it is released for such purpose. If such motor vehicle is found to be unsafe for transporting pupils, then it shall be properly repaired or adjusted as necessary before being used to transport pupils. The provisions of this subsection shall not apply to vehicles owned by individuals and under private contract to the school district and used exclusively for transporting members of their immediate families.

(2) The State Department of Education may inspect, at its discretion, any school bus used for transporting school district pupils to and from the public schools or for activity purposes to determine the safety of such motor vehicle for operation on the roads, streets and highways of this state. In the event a vehicle is inspected and is found to be unsafe for transporting pupils, a report shall be filed with the appropriate school district official indicating its deficiencies with recommendations for correcting such deficiencies.

(3) If it is determined that any school district buses are in such defective condition as to constitute an emergency safety hazard, those buses may be condemned and removed from service and shall not be returned to service until adequate repairs are completed and such buses are reinspected by the State Department of Education. Any school district official who approves the operation of any school bus that has been

removed from service under the conditions listed above, prior to being reinspected by the State Department of Education, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail for a period not to exceed sixty (60) days, or a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment, in the discretion of the court.

SECTION 80. Section 37-41-57, Mississippi Code of 1972, is brought forward as follows:

37-41-57. The State Board of Education shall adopt and enforce regulations not inconsistent with the traffic laws and regulations of this state to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school board or privately owned and operated under contract with any school board in this state. Such regulations shall by reference be made a part of any such contract with a school board. Every school board, its officers and employees, and every person employed under contract by a school board shall be subject to said regulations.

Any officer or employee of any school board who violates any of said regulations or fails to include the obligation to comply with said regulations in any contract executed by them on behalf of a school board shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under a contract with a school board who fails to comply with any of said regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school board.

SECTION 81. Section 37-43-1, Mississippi Code of 1972, is amended as follows:

37-43-1. (1) This chapter is intended to furnish a plan for the adoption, purchase, distribution, care and use of free textbooks to be loaned to the pupils in all elementary and high schools, other than charter schools, of Mississippi.

(2) The books herein provided by the State Board of Education, which shall be the State Textbook Procurement Commission, shall be distributed and loaned free of cost to the children of the free public* * * school districts of the

state and of all other schools located in the state, which maintain educational standards equivalent to the standards established by the State Department of Education for the state schools as outlined in the Approval Requirements of the State Board of Education for Nonpublic Schools.

(3) Teachers shall permit all pupils in all grades of any public school in any school district to carry to their homes for home study, the free textbooks loaned to them, and any other regular textbooks whether they be free textbooks or not.

(4) For the purposes of this chapter, the term "board" shall mean the State Board of Education.

(5) "Textbook" shall be defined as any medium or manual of instruction which contains a systematic presentation of the principles of a subject and which constitutes a major instructional vehicle for that subject.

(6) In addition to the authority granted in this chapter, local school boards shall make available to the parents or legal guardians of any children of school age who reside in the school district administered by the school board, upon request, any textbooks on the state surplus inventory list. The parent or legal guardian is responsible for the return of the textbook(s) to the local school district upon completion of the textbook(s) use. Failure to return the textbook(s) to the school district will result in the parents or legal guardians being responsible for compensating the school district for the fair market value of the textbook(s).

SECTION 82. Section 37-43-39, Mississippi Code of 1972, is brought forward as follows:

37-43-39. No teacher in any of the schools of the state, and no county or municipal superintendent of schools, and no person officially connected with the government of or direction of any school shall, during the term of his office as said superintendent or during the time of his or her employment as teacher, act as agent or attorney for any textbook publishing company selling textbooks in this state. If, after election as county or municipal superintendent or employment as teacher, any person filling such position accepts the agency or attorneyship of any textbook publishing company, the acceptance of such agency or attorneyship shall

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work a forfeiture of the office or position as teacher held at the time of the acceptance of such agency or attorneyship.

SECTION 83. Section 37-45-23, Mississippi Code of 1972, is amended as follows:

37-45-23. Subject to the provisions of any applicable statute, the commission shall formulate policies and approve or disapprove plans for the location and construction of all necessary elementary and secondary noncharter public school buildings.

SECTION 84. Section 37-47-9, Mississippi Code of 1972, is amended as follows:

37-47-9. It is found and determined that the state should make an annual grant of Twenty-four Dollars (\$24.00) for each child in average daily attendance in the public schools of the various school districts of this state during each school year, and that such monies should be applied for the purpose of establishing and maintaining adequate physical facilities for the public school* * * district and/or the payment of existing debt therefor.

The grant to which* * * each public school is entitled under the provisions of this section shall be credited to the school district of which such school is part. If any change is made in the operation or boundaries of any such school district, equitable reallocations shall be made by the commission of all balances to the credit of such school district, and all debits charged against the districts affected by the change in the boundaries or system of operation. The obligation of the state to make remittance of the sums appropriated or otherwise provided to make the annual grants provided by this section shall be subordinate to the pledge made to secure the state school bonds authorized under this chapter and the sinking fund created for their retirement. The grants shall be computed annually as soon as practicable after the end of the school year, and shall be based on the average daily attendance for such school year in all of the public schools operated by each school district as determined by the State Department of Education.

SECTION 85. Section 37-143-11, Mississippi Code of 1972, is amended as follows:

37-143-11. (1) It is the intention of the Legislature to attract and retain qualified teachers by awarding incentive

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loans to persons declaring an intention to serve in the teaching field and who actually render service to the state while possessing an appropriate teaching license.

(2) There is established the "William F. Winter Teacher Scholar Loan Program."

(3) To the extent of appropriations available, students who are enrolled in any baccalaureate degree-granting institution of higher learning in the State of Mississippi accredited by the Southern Association of Colleges and Schools and approved by the Mississippi Commission on College Accreditation, or any accredited nonprofit community or junior college, and who have expressed in writing a present intention to teach in Mississippi, shall be eligible for student loans to be applied to the costs of their college education. Persons who have been admitted to a teacher education program or a nontraditional teacher internship licensure program authorized under Section 37-3-2(6)(b), as approved by the State Board of Education, shall also qualify for loans at approved institutions. The Board of Trustees of State Institutions of Higher Learning shall provide that teacher education majors and noneducation majors shall have equal access to scholarship/loans under authority of this section.

(4) A freshman establishing initial eligibility shall be eligible for a maximum of four (4) annual loans and a senior shall be eligible for one (1) annual loan.

(5) The maximum annual loan shall be set by the Board of Trustees of State Institutions of Higher Learning at an amount not to exceed the cost of attendance at any baccalaureate degree-granting institution of higher learning in the State of Mississippi. However, it is the intent of the Legislature that the maximum annual loan amounts under the William F. Winter Teacher Scholar Loan Program shall not be of such amounts that would compete with the Critical Needs Teacher Scholarship Program.

(6) The loans of persons who actually render service as licensed teachers or nontraditional teacher interns authorized under Section 37-3-2(6)(b) in a public school, including a charter school, in Mississippi for a major portion of the school day for at least seventy-eight (78) school days during each of eight (8) school semesters of the ten (10) immediately after obtaining a baccalaureate degree, shall be converted to interest-free scholarships. Conversion shall be

based on two (2) semesters of service for each year a loan was received, and the Board of Trustees of State Institutions of Higher Learning shall not authorize the conversion of loans into interest-free scholarships at any other ratio, except as follows: Participants in the William F. Winter Teacher Scholar Loan Program may have their loans converted into interest-free scholarships at the same ratio as under the Critical Needs Teacher Scholarship Program if they render service as a licensed teacher or nontraditional teacher intern authorized under Section 37-3-2(6)(b) in a public school district in a geographical area of the state where there is a critical shortage of teachers, as designated by the State Board of Education, or in a charter school located in such a school district.

(7) Persons failing to complete an appropriate program of study shall immediately become liable to the Board of Trustees of State Institutions of Higher Learning for the sum of all outstanding loans, except in the case of a deferral of debt for cause by the board, after which period of deferral, study may be resumed. Persons failing to meet teaching requirements in any required semester shall immediately be in breach of contract and become liable to the board for the amount of the corresponding loan received, with interest accruing at the current Stafford Loan rate at the time the breach occurs, except in the case of a deferral of debt for cause by the board, after which period of deferral, teaching duties required hereunder will be resumed. If the claim for payment of such loan is placed in the hands of an attorney for collection after default, then the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(8) A loan made pursuant to this section shall not be voidable by reason of the age of the borrower at the time of receiving the loan.

(9) Failure to repay any loan and interest that becomes due shall be cause for the revocation of a person's teaching license by the State Department of Education.

(10) All monies repaid to the Board of Trustees of State Institutions of Higher Learning hereunder shall be added to the appropriations made for purposes of this section, and those appropriations shall not lapse.

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(11) The Board of Trustees of State Institutions of Higher Learning with the concurrence of the State Board of Education shall jointly promulgate regulations necessary for the proper administration of this section.

(12) If insufficient funds are available for requested loans to a qualified student during any fiscal year, the Board of Trustees of State Institutions of Higher Learning shall make pro rata reductions in the loans made to qualifying applicants. Priority consideration shall be given to persons receiving previous loans and participating in the program.

(13) The Board of Trustees of State Institutions of Higher Learning shall make an annual report to the Legislature. Each report shall contain a complete enumeration of the board's activities, loans or scholarships granted, names of persons to whom granted and the institutions attended by those receiving the same, names of persons to whom loans or scholarships were granted who were not education majors, the teaching location of applicants who have received their education and become licensed teachers within this state as a result of the loans and/or scholarships. The board shall make a full report and account of receipts and expenditures for salaries and expenses incurred under the provisions of this section. The board shall, upon its records and any published reports, distinguish between those recipients who have breached their contracts but with the board's permission who have paid their financial obligations in full, and those recipients who have breached their contracts and remain financially indebted to the state.

SECTION 86. Section 37-143-12, Mississippi Code of 1972, is amended as follows:

37-143-12. Speech-Language Pathologists Loan Forgiveness Program. (1) There is established a Speech-Language Pathologists Loan Forgiveness Program. It is the intent of the Legislature that persons declaring an intention to work in an accredited public school (K-12), including a charter school, located in the State of Mississippi as a speech-language pathologist shall be eligible for a loan for the purpose of acquiring a master's level education in such profession. The Board of Trustees of State Institutions of Higher Learning shall enter into contracts with applicants, providing that such loans may be discharged by working as a master's level speech-language pathologist in an accredited public school (K-12), including

a charter school, located in the State of Mississippi, for a period of time after graduation equal to the period of study provided under the loan. Such contracts shall provide that for each year of service, the appropriate portion of the outstanding balance of principal and interest of such loan shall be converted to interest-free scholarships and discharged.

(2) The Board of Trustees of State Institutions of Higher Learning, with the concurrence of the State Board of Education, shall jointly establish rules and regulations as it deems necessary and proper to carry out the purposes and intent of this section.

The provisions of this section shall be subject to specific appropriation therefor by the Legislature.

SECTION 87. Section 37-151-5, Mississippi Code of 1972, is amended as follows:

37-151-5. As used in Sections 37-151-5 and 37-151-7:

(a) "Adequate program" or "adequate education program" or "Mississippi Adequate Education Program (MAEP)" shall mean the program to establish adequate current operation funding levels necessary for the programs of such school district to meet at least a successful Level III rating of the accreditation system as established by the State Board of Education using current statistically relevant state assessment data.

(b) "Educational programs or elements of programs not included in the adequate education program calculations, but which may be included in appropriations and transfers to school districts" shall mean:

(i) "Capital outlay" shall mean those funds used for the constructing, improving, equipping, renovating or major repairing of school buildings or other school facilities, or the cost of acquisition of land whereon to construct or establish such school facilities.

(ii) "Pilot programs" shall mean programs of a pilot or experimental nature usually designed for special purposes and for a specified period of time other than those included in the adequate education program.

(iii) "Adult education" shall mean public education dealing primarily with students above eighteen (18) years of age not enrolled as full-time public school students and

not classified as students of technical schools, colleges or universities of the state.

(iv) "Food service programs" shall mean those programs dealing directly with the nutritional welfare of the student, such as the school lunch and school breakfast programs.

(c) "Base student" shall mean that student classification that represents the most economically educated pupil in a school system meeting the definition of successful, as determined by the State Board of Education.

(d) "Base student cost" shall mean the funding level necessary for providing an adequate education program for one (1) base student, subject to any minimum amounts prescribed in Section 37-151-7(1).

(e) "Add-on program costs" shall mean those items which are included in the adequate education program appropriations and are outside of the program calculations:

(i) "Transportation" shall mean transportation to and from public schools for the students of Mississippi's public schools provided for under law and funded from state funds.

(ii) "Vocational or technical education program" shall mean a secondary vocational or technical program approved by the State Department of Education and provided for from state funds.

(iii) "Special education program" shall mean a program for exceptional children as defined and authorized by Sections 37-23-1 through 37-23-9, and approved by the State Department of Education and provided from state funds.

(iv) "Gifted education program" shall mean those programs for the instruction of intellectually or academically gifted children as defined and provided for in Section 37-23-175 et seq.

(v) "Alternative school program" shall mean those programs for certain compulsory-school-age students as defined and provided for in Sections 37-13-92 and 37-19-22.

(vi) "Extended school year programs" shall mean those programs authorized by law which extend beyond the normal school year.

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(vii) "University-based programs" shall mean those university-based programs for handicapped children as defined and provided for in Section 37-23-131 et seq.

(viii) "Bus driver training" programs shall mean those driver training programs as provided for in Section 37-41-1.

(f) "Teacher" shall include any employee of a local school who is required by law to obtain a teacher's license from the State Board of Education and who is assigned to an instructional area of work as defined by the State Department of Education.

(g) "Principal" shall mean the head of an attendance center or division thereof.

(h) "Superintendent" shall mean the head of a school district.

(i) "School district" shall mean any type of school district in the State of Mississippi, and shall include agricultural high schools.

(j) "Minimum school term" shall mean a term of at least one hundred eighty (180) days of school in which both teachers and pupils are in regular attendance for scheduled classroom instruction for not less than sixty percent (60%) of the normal school day. It is the intent of the Legislature that any tax levies generated to produce additional local funds required by any school district to operate school terms in excess of one hundred seventy-five (175) days shall not be construed to constitute a new program for the purposes of exemption from the limitation on tax revenues as allowed under Sections 27-39-321 and 37-57-107 for new programs mandated by the Legislature.

(k) The term "transportation density" shall mean the number of transported children in average daily attendance per square mile of area served in a school district, as determined by the State Department of Education.

(l) The term "transported children" shall mean children being transported to school who live within legal limits for transportation and who are otherwise qualified for being transported to school at public expense as fixed by Mississippi state law.

(m) The term "year of teaching experience" shall mean nine (9) months of actual teaching in the public or private

schools. In no case shall more than one (1) year of teaching experience be given for all services in one (1) calendar or school year. In determining a teacher's experience, no deduction shall be made because of the temporary absence of the teacher because of illness or other good cause, and the teacher shall be given credit therefor. Beginning with the 2003-2004 school year, the State Board of Education shall fix a number of days, not to exceed forty-five (45) consecutive school days, during which a teacher may not be under contract of employment during any school year and still be considered to have been in full-time employment for a regular scholastic term. If a teacher exceeds the number of days established by the State Board of Education that a teacher may not be under contract but may still be employed, that teacher shall not be credited with a year of teaching experience. In determining the experience of school librarians, each complete year of continuous, full-time employment as a professional librarian in a public library in this or some other state shall be considered a year of teaching experience. If a full-time school administrator returns to actual teaching in the public schools, the term "year of teaching experience" shall include the period of time he or she served as a school administrator. In determining the salaries of teachers who have experience in any branch of the military, the term "year of teaching experience" shall include each complete year of actual classroom instruction while serving in the military. In determining the experience of speech-language pathologists and audiologists, each complete year of continuous full-time post master's degree employment in an educational setting in this or some other state shall be considered a year of teaching experience. Provided, however, that school districts are authorized, in their discretion, to negotiate the salary levels applicable to certificated employees employed after July 1, 2009, who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(n) The term "average daily attendance" shall be the figure which results when the total aggregate attendance during the period or months counted is divided by the number of days during the period or months counted upon which both teachers and pupils are in regular attendance for scheduled classroom instruction less the average daily attendance

for self-contained special education classes and, prior to full implementation of the adequate education program the department shall deduct the average daily attendance for the alternative school program provided for in Section 37-19-22.

(o) The term "local supplement" shall mean the amount paid to an individual teacher over and above the adequate education program salary schedule for regular teaching duties.

(p) The term "aggregate amount of support from ad valorem taxation" shall mean the amounts produced by the district's total tax levies for operations.

(q) The term "adequate education program funds" shall mean all funds, both state and local, constituting the requirements for meeting the cost of the adequate program as provided for in Section 37-151-7.

(r) "Department" shall mean the State Department of Education.

(s) "Commission" shall mean the Mississippi Commission on School Accreditation created under Section 37-17-3.

(t) The term "successful school district" shall mean a Level III school district as designated by the State Board of Education using current statistically relevant state assessment data.

(u) "Dual enrollment-dual credit programs" shall mean programs for potential or recent high school student dropouts to dually enroll in their home high school and a local community college in a dual credit program consisting of high school completion coursework and a credential, certificate or degree program at the community college, as provided in Section 37-15-38(19).

(v) "Charter school" means a public school that is established and operating under the terms of a charter contract between the school's governing board and the Mississippi Charter School Authorizer Board.

SECTION 88. Section 37-151-7, Mississippi Code of 1972, is amended as follows:

37-151-7. The annual allocation to each school district for the operation of the adequate education program shall be determined as follows:

(1) **Computation of the basic amount to be included for current operation in the adequate education program.** The following procedure shall be followed in determining the annual allocation to each school district:

(a) **Determination of average daily attendance.** Effective with fiscal year 2011, the State Department of Education shall determine the percentage change from the prior year of each year of each school district's average of months two (2) and three (3) average daily attendance (ADA) for the three (3) immediately preceding school years of the year for which funds are being appropriated. For any school district that experiences a positive growth in the average of months two (2) and three (3) ADA each year of the three (3) years, the average percentage growth over the three-year period shall be multiplied times the school district's average of months two (2) and three (3) ADA for the year immediately preceding the year for which MAEP funds are being appropriated. The resulting amount shall be added to the school district's average of months two (2) and three (3) ADA for the year immediately preceding the year for which MAEP funds are being appropriated to arrive at the ADA to be used in determining a school district's MAEP allocation. Otherwise, months two (2) and three (3) ADA for the year immediately preceding the year for which MAEP funds are being appropriated will be used in determining a school district's MAEP allocation. In any fiscal year prior to 2010 in which the MAEP formula is not fully funded, for those districts that do not demonstrate a three-year positive growth in months two (2) and three (3) ADA, months one (1) through nine (9) ADA of the second preceding year for which funds are being appropriated or months two (2) and three (3) ADA of the preceding year for which funds are being appropriated, whichever is greater, shall be used to calculate the district's MAEP allocation. The district's average daily attendance shall be computed and currently maintained in accordance with regulations promulgated by the State Board of Education. The district's average daily attendance shall include any student enrolled in a Dual Enrollment-Dual Credit Program as defined and provided in Section 37-15-38(19). The State Department of Education shall make payments for Dual Enrollment-Dual Credit Programs to the home school in which the student is enrolled, in accordance with regulations promulgated by the State Board of Education. The community college providing services to students in a

Dual Enrollment-Dual Credit Program shall require payment from the home school district for services provided to such students at a rate of one hundred percent (100%) of ADA. All MAEP/state funding shall cease upon completion of high school graduation requirements.

(b) **Determination of base student cost.** Effective with fiscal year 2011 and every fourth fiscal year thereafter, the State Board of Education, on or before August 1, with adjusted estimate no later than January 2, shall submit to the Legislative Budget Office and the Governor a proposed base student cost adequate to provide the following cost components of educating a pupil in a successful school district: (i) Instructional Cost; (ii) Administrative Cost; (iii) Operation and Maintenance of Plant; and (iv) Ancillary Support Cost. For purposes of these calculations, the Department of Education shall utilize financial data from the second preceding year of the year for which funds are being appropriated.

For the instructional cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of a number of teachers per one thousand (1,000) students that is between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average of teachers per one thousand (1,000) students. The instructional cost component shall be calculated by dividing the latest available months one (1) through nine (9) ADA into the instructional expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

Fund 1120 Functions 1110-1199 Objects 100-999, Functions 1210, 1220, 2150-2159 Objects 210 and 215;

Fund 1130 All Functions, Object Code 210 and 215;

Fund 2001 Functions 1110-1199 Objects 100-999;

Fund 2070 Functions 1110-1199 Objects 100-999;

Fund 2420 Functions 1110-1199 Objects 100-999;

Fund 2711 All Functions, Object Code 210 and 215.

Prior to the calculation of the instructional cost component, there shall be subtracted from the above expenditures any revenue received for Chickasaw Cession payments, Master

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Teacher Certification payments and the district's portion of state revenue received from the MAEP at-risk allocation.

For the administrative cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of an administrative staff to nonadministrative staff between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average administrative staff to nonadministrative staff. The administrative cost component shall be calculated by dividing the latest available months one (1) through nine (9) ADA of the selected districts into the administrative expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

Fund 1120 Functions 2300-2599, Functions 2800-2899, Objects 100-999;

Fund 2711 Functions 2300-2599, Functions 2800-2899, Objects 100-999.

For the plant and maintenance cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of plant and maintenance expenditures per one hundred thousand (100,000) square feet of building space and a ratio of maintenance workers per one hundred thousand (100,000) square feet of building space that are both between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average. The plant and maintenance cost component shall be calculated by dividing the latest available months one (1) through nine (9) ADA of the selected districts into the plant and maintenance expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

Fund 1120 Functions 2600-2699, Objects 100-699 and Objects 800-999;

Fund 2711 Functions 2600-2699, Objects 100-699 and Objects 800-999;

Fund 2430 Functions 2600-2699, Objects 100-699 and Objects 800-999.

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For the ancillary support cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of a number of librarians, media specialists, guidance counselors and psychologists per one thousand (1,000) students that is between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average of librarians, media specialists, guidance counselors and psychologists per one thousand (1,000) students. The ancillary cost component shall be calculated by dividing the latest available months one (1) through nine (9) ADA into the ancillary expenditures instructional expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

Fund 1120 Functions 2110-2129, Objects 100-999;

Fund 1120 Functions 2140-2149, Objects 100-999;

Fund 1120 Functions 2220-2229, Objects 100-999;

Fund 2001 Functions 2100-2129, Objects 100-999;

Fund 2001 Functions 2140-2149, Objects 100-999;

Fund 2001 Functions 2220-2229, Objects 100-999.

The total base cost for each year shall be the sum of the instructional cost component, administrative cost component, plant and maintenance cost component and ancillary support cost component, and any estimated adjustments for additional state requirements as determined by the State Board of Education. Provided, however, that the base student cost in fiscal year 1998 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

For each of the fiscal years between the recalculation of the base student cost under the provisions of this paragraph (b), the base student cost shall be increased by an amount equal to forty percent (40%) of the base student cost for the previous fiscal year, multiplied by the latest annual rate of inflation for the State of Mississippi as determined by the State Economist, plus any adjustments for additional state requirements such as, but not limited to, teacher pay raises and health insurance premium increases.

(c) Determination of the basic adequate education program cost. The basic amount for current operation to be included

in the Mississippi Adequate Education Program for each school district shall be computed as follows:

Multiply the average daily attendance of the district by the base student cost as established by the Legislature, which yields the total base program cost for each school district.

(d) **Adjustment to the base student cost for at-risk pupils.** The amount to be included for at-risk pupil programs for each school district shall be computed as follows: Multiply the base student cost for the appropriate fiscal year as determined under paragraph (b) by five percent (5%), and multiply that product by the number of pupils participating in the federal free school lunch program in such school district, which yields the total adjustment for at-risk pupil programs for such school district.

(e) **Add-on program cost.** The amount to be allocated to school districts in addition to the adequate education program cost for add-on programs for each school district shall be computed as follows:

(i) Transportation cost shall be the amount allocated to such school district for the operational support of the district transportation system from state funds.

(ii) Vocational or technical education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(iii) Special education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(iv) Gifted education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(v) Alternative school program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(vi) Extended school year programs shall be the amount allocated to school districts for those programs authorized by law which extend beyond the normal school year.

(vii) University-based programs shall be the amount allocated to school districts for those university-based programs for handicapped children as defined and provided for in Section 37-23-131 et seq., Mississippi Code of 1972.

(viii) Bus driver training programs shall be the amount provided for those driver training programs as provided for in Section 37-41-1, Mississippi Code of 1972.

The sum of the items listed above (i) transportation, (ii) vocational or technical education, (iii) special education, (iv) gifted education, (v) alternative school, (vi) extended school year, (vii) university-based, and (viii) bus driver training shall yield the add-on cost for each school district.

(f) **Total projected adequate education program cost.** The total Mississippi Adequate Education Program cost shall be the sum of the total basic adequate education program cost (paragraph (c)), and the adjustment to the base student cost for at-risk pupils (paragraph (d)) for each school district. In any year in which the MAEP is not fully funded, the Legislature shall direct the Department of Education in the K-12 appropriation bill as to how to allocate MAEP funds to school districts for that year.

(g) The State Auditor shall annually verify the State Board of Education's estimated calculations for the Mississippi Adequate Education Program that are submitted each year to the Legislative Budget Office on August 1 and the final calculation that is submitted on January 2.

(2) **Computation of the required local revenue in support of the adequate education program.** The amount that each district shall provide toward the cost of the adequate education program shall be calculated as follows:

(a) The State Department of Education shall certify to each school district that twenty-eight (28) mills, less the estimated amount of the yield of the School Ad Valorem Tax Reduction Fund grants as determined by the State Department of Education, is the millage rate required to provide the district required local effort for that year, or twenty-seven percent (27%) of the basic adequate education program cost for such school district as determined under paragraph (c), whichever is a lesser amount. In the case of an agricultural high school, the millage requirement shall be set at a level which generates an equitable amount per pupil to be determined by the State Board of Education. The local contribution amount for school districts in which there is located one or more charter schools will be calculated using the following methodology: using the adequate education program twenty-eight (28) mill value, or the twenty-seven percent (27%) cap

amount (whichever is less) for each school district in which a charter school is located, an average per pupil amount will be calculated. This average per pupil amount will be multiplied times the number of students attending the charter school in that school district. The sum becomes the charter school's local contribution to the adequate education program.

(b) The State Department of Education shall determine the following from the annual assessment information submitted to the department by the tax assessors of the various counties: (i) the total assessed valuation of nonexempt property for school purposes in each school district; (ii) assessed value of exempt property owned by homeowners aged sixty-five (65) or older or disabled as defined in Section 27-33-67(2), Mississippi Code of 1972; (iii) the school district's tax loss from exemptions provided to applicants under the age of sixty-five (65) and not disabled as defined in Section 27-33-67(1), Mississippi Code of 1972; and (iv) the school district's homestead reimbursement revenues.

(c) The amount of the total adequate education program funding which shall be contributed by each school district shall be the sum of the ad valorem receipts generated by the millage required under this subsection plus the following local revenue sources for the appropriate fiscal year which are or may be available for current expenditure by the school district:

One hundred percent (100%) of Grand Gulf income as prescribed in Section 27-35-309.

One hundred percent (100%) of any fees in lieu of taxes as prescribed in Section 27-31-104.

(3) Computation of the required state effort in support of the adequate education program.

(a) The required state effort in support of the adequate education program shall be determined by subtracting the sum of the required local tax effort as set forth in subsection (2)(a) of this section and the other local revenue sources as set forth in subsection (2)(c) of this section in an amount not to exceed twenty-seven percent (27%) of the total projected adequate education program cost as set forth in subsection (1)(f) of this section from the total projected adequate education program cost as set forth in subsection (1)(f) of this section.

(b) Provided, however, that in fiscal year 1998 and in the fiscal year in which the adequate education program is fully funded by the Legislature, any increase in the said state contribution to any district calculated under this section shall be not less than eight percent (8%) in excess of the amount received by said district from state funds for the fiscal year immediately preceding. For purposes of this paragraph (b), state funds shall include minimum program funds less the add-on programs, State Uniform Millage Assistance Grant Funds, Education Enhancement Funds appropriated for Uniform Millage Assistance Grants and state textbook allocations, and State General Funds allocated for textbooks.

(c) If the school board of any school district shall determine that it is not economically feasible or practicable to operate any school within the district for the full one hundred eighty (180) days required for a school term of a scholastic year as required in Section 37-13-63, Mississippi Code of 1972, due to an enemy attack, a man-made, technological or natural disaster in which the Governor has declared a disaster emergency under the laws of this state or the President of the United States has declared an emergency or major disaster to exist in this state, said school board may notify the State Department of Education of such disaster and submit a plan for altering the school term. If the State Board of Education finds such disaster to be the cause of the school not operating for the contemplated school term and that such school was in a school district covered by the Governor's or President's disaster declaration, it may permit said school board to operate the schools in its district for less than one hundred eighty (180) days and, in such case, the State Department of Education shall not reduce the state contributions to the adequate education program allotment for such district, because of the failure to operate said schools for one hundred eighty (180) days.

(4) The Interim School District Capital Expenditure Fund is hereby established in the State Treasury which shall be used to distribute any funds specifically appropriated by the Legislature to such fund to school districts entitled to increased allocations of state funds under the adequate education program funding formula prescribed in Sections 37-151-3 through 37-151-7, Mississippi Code of 1972, until such time as the said adequate education program is fully funded by the Legislature. The following percentages of the total state

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cost of increased allocations of funds under the adequate education program funding formula shall be appropriated by the Legislature into the Interim School District Capital Expenditure Fund to be distributed to all school districts under the formula: Nine and two-tenths percent (9.2%) shall be appropriated in fiscal year 1998, twenty percent (20%) shall be appropriated in fiscal year 1999, forty percent (40%) shall be appropriated in fiscal year 2000, sixty percent (60%) shall be appropriated in fiscal year 2001, eighty percent (80%) shall be appropriated in fiscal year 2002, and one hundred percent (100%) shall be appropriated in fiscal year 2003 into the State Adequate Education Program Fund. Until July 1, 2002, such money shall be used by school districts for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, school barns and garages for transportation vehicles, school athletic fields and necessary facilities connected therewith, and purchasing land therefor. Any such capital improvement project by a school district shall be approved by the State Board of Education, and based on an approved long-range plan. The State Board of Education shall promulgate minimum requirements for the approval of school district capital expenditure plans.

(b) Providing necessary water, light, heating, air-conditioning, and sewerage facilities for school buildings, and purchasing land therefor.

(c) Paying debt service on existing capital improvement debt of the district or refinancing outstanding debt of a district if such refinancing will result in an interest cost savings to the district.

(d) From and after October 1, 1997, through June 30, 1998, pursuant to a school district capital expenditure plan approved by the State Department of Education, a school district may pledge such funds until July 1, 2002, plus funds provided for in paragraph (e) of this subsection (4) that are not otherwise permanently pledged under such paragraph (e) to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, Mississippi

Code of 1972, or debt issued by boards of supervisors for agricultural high schools pursuant to Section 37-27-65, Mississippi Code of 1972, or lease-purchase contracts entered into pursuant to Section 31-7-13, Mississippi Code of 1972, or to retire or refinance outstanding debt of a district, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors. It is the intent of this provision to allow school districts to irrevocably pledge their Interim School District Capital Expenditure Fund allotments as a constant stream of revenue to secure a debt issued under the foregoing code sections. To allow school districts to make such an irrevocable pledge, the state shall take all action necessary to ensure that the amount of a district's Interim School District Capital Expenditure Fund allotments shall not be reduced below the amount certified by the department or the district's total allotment under the Interim Capital Expenditure Fund if fully funded, so long as such debt remains outstanding.

(e) [Repealed]

(f) [Repealed]

(g) The State Board of Education may authorize the school district to expend not more than twenty percent (20%) of its annual allotment of such funds or Twenty Thousand Dollars (\$20,000.00), whichever is greater, for technology needs of the school district, including computers, software, telecommunications, cable television, interactive video, film, low-power television, satellite communications, microwave communications, technology-based equipment installation and maintenance, and the training of staff in the use of such technology-based instruction. Any such technology expenditure shall be reflected in the local district technology plan approved by the State Board of Education under Section 37-151-17, Mississippi Code of 1972.

(h) To the extent a school district has not utilized twenty percent (20%) of its annual allotment for technology purposes under paragraph (g), a school district may expend not more than twenty percent (20%) of its annual allotment or Twenty Thousand Dollars (\$20,000.00), whichever is greater, for instructional purposes. The State Board of Education may authorize a school district to expend more than said twenty percent (20%) of its annual allotment for instructional

purposes if it determines that such expenditures are needed for accreditation purposes.

(i) The State Department of Education or the State Board of Education may require that any project commenced under this section with an estimated project cost of not less than Five Million Dollars (\$5,000,000.00) shall be done only pursuant to program management of the process with respect to design and construction. Any individuals, partnerships, companies or other entities acting as a program manager on behalf of a local school district and performing program management services for projects covered under this subsection shall be approved by the State Department of Education.

Any interest accruing on any unexpended balance in the Interim School District Capital Expenditure Fund shall be invested by the State Treasurer and placed to the credit of each school district participating in such fund in its proportionate share.

The provisions of this subsection (4) shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards.

(5) The State Department of Education shall make payments to charter schools for each student in average daily attendance at the charter school equal to the state share of the adequate education program payments for each student in average daily attendance at the school district in which the public charter school is located. In calculating the local contribution for purposes of determining the state share of the adequate education program payments, the department shall deduct the pro rata local contribution of the school district in which the student resides as determined in subsection (2)(a) of this section.

SECTION 89. Section 37-151-101, Mississippi Code of 1972, is amended as follows:

37-151-101. It shall be the duty of the State Department of Education to file with the State Treasurer and the State Fiscal Officer such data and information as may be required to enable the said State Treasurer and State Fiscal Officer to distribute the common school funds and adequate education program funds by electronic funds transfer to the several school districts and charter schools at the time required and provided under the provisions of this chapter. Such data and

information so filed shall show in detail the amount of funds to which each school district and charter school is entitled from such common school fund and adequate education program fund. Such data and information so filed may be revised from time to time as necessitated by law. At the time provided by law, the State Treasurer and the State Fiscal Officer shall distribute to the several school districts and charter schools the amounts to which they are entitled from the common school fund and the adequate education program fund as provided by this chapter. Such distribution shall be made by electronic funds transfer to the depositories of the several school districts and charter schools designated in writing to the State Treasurer based upon the data and information supplied by the State Department of Education for such distribution. In such instances, the State Treasurer shall submit a request for an electronic funds transfer to the State Fiscal Officer, which shall set forth the purpose, amount and payees, and shall be in such form as may be approved by the State Fiscal Officer so as to provide the necessary information as would be required for a requisition and issuance of a warrant. A copy of the record of said electronic funds transfers shall be transmitted by the school district and charter school depositories to the Treasurer, who shall file duplicates with the State Fiscal Officer. The Treasurer and State Fiscal Officer shall jointly promulgate regulations for the utilization of electronic funds transfers to school districts and charter schools.

SECTION 90. Section 37-151-103, Mississippi Code of 1972, is amended as follows:

37-151-103. (1) Funds due each school district and charter school under the terms of this chapter from the Adequate Education Program Fund shall be paid in the following manner: On the two (2) days prior to the last day of each month, or the next business date after that date, there shall be paid to each school district and charter school, by electronic funds transfer, one-twelfth (1/12) of the funds to which the district or charter school is entitled from funds appropriated for the Adequate Education Program Fund. However, in December those payments shall be made on December 15th or the next business day after that date. All school districts shall process a single monthly payroll with electronic settlement of payroll checks secured through direct deposit of net pay for all school district employees. In addition, the State

Department of Education may pay school districts and charter schools from the common school fund and the Adequate Education Program Fund on a date earlier than provided for by this section if it is determined that it is in the best interest of school districts and charter schools to do so.

Provided, however, that if the cash balance in the State General Fund is not adequate on the due date to pay the amounts due to all school districts and charter schools in the state as determined by the State Superintendent of Education, the State Fiscal Officer shall not transfer said funds payable to any school district or districts or charter schools until money is available to pay the amount due to all districts and charter schools.

(2) Notwithstanding any provision of this chapter or any other law requiring the number of children in average daily attendance or the average daily attendance of transported children to be determined on the basis of the preceding year, the State Board of Education is hereby authorized and empowered to make proper adjustments in allotments in cases where major changes in the number of children in average daily attendance or the average daily attendance of transported children occurs from one year to another as a result of changes or alterations in the boundaries of school districts, the sending of children from one county or district to another upon a contract basis, the termination or discontinuance of a contract for the sending of children from one county or district to another, a change in or relocation of attendance centers, or for any other reason which would result in a major decrease or increase in the number of children in average daily attendance or the average daily attendance of transported children during the current school year as compared with the preceding year.

(3) In the event of an inordinately large number of absentees in any school district or charter school as a result of epidemic, natural disaster, or any concerted activity discouraging school attendance, then in such event school attendance for the purposes of determining average daily attendance under the adequate education program shall be based upon the average daily attendance for the preceding school year for such school district or charter school.

SECTION 91. Section 37-57-107, Mississippi Code of 1972, is amended as follows:

37-57-107. (1) Beginning with the tax levy for the 1997 fiscal year and for each fiscal year thereafter, the aggregate receipts from taxes levied for school district purposes pursuant to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate receipts from those sources during any one (1) of the immediately preceding three (3) fiscal years, as determined by the school board, plus an increase not to exceed seven percent (7%). For the purpose of this limitation, the term "aggregate receipts" when used in connection with the amount of funds generated in a preceding fiscal year shall not include excess receipts required by law to be deposited into a special account. However, the term "aggregate receipts" includes any receipts required by law to be paid to a charter school. The additional revenue from the ad valorem tax on any newly constructed properties or any existing properties added to the tax rolls or any properties previously exempt which were not assessed in the next preceding year may be excluded from the seven percent (7%) increase limitation set forth herein. Taxes levied for payment of principal of and interest on general obligation school bonds issued heretofore or hereafter shall be excluded from the seven percent (7%) increase limitation set forth herein. Any additional millage levied to fund any new program mandated by the Legislature shall be excluded from the limitation for the first year of the levy and included within such limitation in any year thereafter. For the purposes of this section, the term "new program" shall include, but shall not be limited to, (a) the Early Childhood Education Program required to commence with the 1986-1987 school year as provided by Section 37-21-7 and any additional millage levied and the revenue generated therefrom, which is excluded from the limitation for the first year of the levy, to support the mandated Early Childhood Education Program shall be specified on the minutes of the school board and of the governing body making such tax levy; (b) any additional millage levied and the revenue generated therefrom which shall be excluded from the limitation for the first year of the levy, for the purpose of generating additional local contribution funds required for the adequate education program for the 2003 fiscal year and for each fiscal year thereafter under Section 37-151-7(2); and (c) any additional millage levied and the revenue generated therefrom which shall be excluded from the limitation for the first year of the levy, for the purpose of support and maintenance of any

agricultural high school which has been transferred to the control, operation and maintenance of the school board by the board of trustees of the community college district under provisions of Section 37-29-272.

(2) The seven percent (7%) increase limitation prescribed in this section may be increased an additional amount only when the school board has determined the need for additional revenues and has held an election on the question of raising the limitation prescribed in this section. The limitation may be increased only if three-fifths (3/5) of those voting in the election shall vote for the proposed increase. The resolution, notice and manner of holding the election shall be as prescribed by law for the holding of elections for the issuance of bonds by the respective school boards. Revenues collected for the fiscal year in excess of the seven percent (7%) increase limitation pursuant to an election shall be included in the tax base for the purpose of determining aggregate receipts for which the seven percent (7%) increase limitation applies for subsequent fiscal years.

(3) Except as otherwise provided for excess revenues generated pursuant to an election, if revenues collected as the result of the taxes levied for the fiscal year pursuant to this section and Section 37-57-1 exceed the increase limitation, then it shall be the mandatory duty of the school board of the school district to deposit such excess receipts over and above the increase limitation into a special account and credit it to the fund for which the levy was made. It will be the further duty of such board to hold said funds and invest the same as authorized by law. Such excess funds shall be calculated in the budgets for the school districts for the purpose for which such levies were made, for the succeeding fiscal year. Taxes imposed for the succeeding year shall be reduced by the amount of excess funds available. Under no circumstances shall such excess funds be expended during the fiscal year in which such excess funds are collected.

(4) For the purposes of determining ad valorem tax receipts for a preceding fiscal year under this section, the term "fiscal year" means the fiscal year beginning October 1 and ending September 30.

(5) Beginning with the 2013-2014 school year, each school district in which a charter school is located shall pay to the charter school an amount for each student enrolled in

the charter school equal to the ad valorem taxes levied per pupil for the support of the school district in which the charter school is located. The pro rata ad valorem taxes to be transferred to the charter school must include all levies for the support of the school district under Sections 37-57-1 (local contribution to the adequate education program) and 37-57-105 (school district operational levy) but may not include any taxes levied for the retirement of school district bonded indebtedness or short-term notes or any taxes levied for the support of vocational-technical education programs. Payments made pursuant to this subsection by a school district to a charter school must be made before the expiration of three (3) business days after the funds are distributed to the school district.

SECTION 92. Sections 37-165-1, 37-165-3, 37-165-5, 37-165-7, 37-165-9, 37-165-11, 37-165-13, 37-165-15, 37-165-17, 37-165-19, 37-165-21, 37-165-23, 37-165-25 and 37-165-27, Mississippi Code of 1972, which are the Conversion Charter School Act of 2010, are repealed.

SECTION 93. Sections 1 through 31 of this act shall stand repealed from and after July 1, 2020.

SECTION 94. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 411

Description: Hospices; prohibit issuance of new licenses for unless specifically authorized by legislation.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: Passage

Chapter Number: 553

History of Actions:

1	01/21	(H)	Referred To Medicaid; Ways and Means
2	01/29	(H)	DR - TSDPCS: ME To WM
3	02/04	(H)	DR - TSDPCS: WM To ME
4	02/04	(H)	Title Suff Do Pass Comm Sub
5	02/13	(H)	Read the Third Time
6	02/13	(H)	Committee Substitute Adopted
7	02/13	(H)	Amended
8	02/13	(H)	Passed As Amended {Vote}
9	02/18	(H)	Transmitted To Senate
10	02/20	(S)	Referred To Public Health and Welfare
11	02/27	(S)	Title Suff Do Pass As Amended
12	03/07	(S)	Amended
13	03/07	(S)	Passed As Amended {Vote}
14	03/08	(S)	Returned For Concurrence
15	03/13	(H)	Decline to Concur/Invite Conf
16	03/27	(H)	Conferees Named Howell,White,Bounds
17	03/29	(S)	Conferees Named Kirby,Burton,Collins
18	03/30	(S)	Conference Report Filed
19	03/30	(H)	Conference Report Filed
20	04/01	(H)	Conference Report Adopted {Vote}
21	04/02	(S)	Conference Report Adopted {Vote}
22	04/08	(H)	Enrolled Bill Signed
23	04/08	(S)	Enrolled Bill Signed
24	04/25		Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub) *Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 411

Conference Reports:

| Conference Report

Code Section: A 041-0085-0007

----- Additional Information -----

House Committee: Medicaid, Ways and Means

Senate Committee: Public Health and Welfare

Principal Author: Bounds

Title: AN ACT TO AMEND SECTION 41-85-7, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE STATE DEPARTMENT OF HEALTH FROM PROCESSING ANY NEW APPLICATIONS FOR HOSPICE LICENSURE OR ISSUING ANY NEW HOSPICE LICENSES, EXCEPT RENEWALS, UNLESS THE APPLICATION WAS PENDING ON MARCH 1, 2013; TO EXTEND THE DATE OF THE REPEALER ON THIS PROVISION; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 411

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Medicaid; Ways and Means

By: Representative Bounds

House Bill 411

(As Sent to Governor)

AN ACT TO AMEND SECTION 41-85-7, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE STATE DEPARTMENT OF HEALTH FROM PROCESSING ANY NEW APPLICATIONS FOR HOSPICE LICENSURE OR ISSUING ANY NEW HOSPICE LICENSES, EXCEPT RENEWALS, UNLESS THE APPLICATION WAS PENDING ON MARCH 1, 2013; TO EXTEND THE DATE OF THE REPEALER ON THIS PROVISION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-85-7, Mississippi Code of 1972, is amended as follows:

41-85-7. (1) The administration of this chapter is vested in the Mississippi Department of Health, which shall:

(a) Prepare and furnish all forms necessary under the provisions of this chapter in relation to applications for licensure or renewals thereof;

(b) Collect in advance at the time of filing an application for a license or at the time of renewal of a license a fee of One Thousand Dollars (\$1,000.00) for each site or location of the licensee;

(c) Levy a fee of Eighteen Dollars (\$18.00) per bed for the review of inpatient hospice care;

(d) Conduct annual licensure inspections of all licensees which may be the same inspection as the annual Medicare certification inspection; and

(e) Promulgate applicable rules and standards in furtherance of the purpose of this chapter and may amend such rules as may be necessary. The rules shall include, but not be limited to, the following:

(i) The qualifications of professional and ancillary personnel in order to adequately furnish hospice care;

(ii) Standards for the organization and quality of patient care;

2013 GENERAL LAWS OF MISSISSIPPI HB 411

(iii) Procedures for maintaining records; and

(iv) Provision for the inpatient component of hospice care and for other professional and ancillary hospice services.

(2) All fees collected by the department under this section shall be used by the department exclusively for the purposes of licensure, regulation, inspection, investigations and discipline of hospices under this chapter.

(3) The State Department of Health shall not process any new applications for hospice licensure* * * or issue any new hospice licenses, except renewals, unless the application for a new hospice license was pending with the department on March 1, 2013. This subsection (3) shall stand repealed on July 1, 2015.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 477

Description: Wrongful death; clarify who may bring action.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 548

History of Actions:

- | | | | |
|----|-------|-----|--|
| 1 | 01/21 | (H) | Referred To Judiciary A |
| 2 | 02/05 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 02/07 | (H) | Committee Substitute Adopted |
| 4 | 02/07 | (H) | Passed {Vote} |
| 5 | 02/11 | (H) | Transmitted To Senate |
| 6 | 02/15 | (S) | Referred To Judiciary, Division A |
| 7 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 8 | 03/07 | (S) | Amended |
| 9 | 03/07 | (S) | Passed As Amended {Vote} |
| 10 | 03/08 | (S) | Returned For Concurrence |
| 11 | 03/12 | (H) | Decline to Concur/Invite Conf |
| 12 | 03/25 | (H) | Conferees Named Baker, Blackmon, Johnson |
| 13 | 03/27 | (S) | Conferees Named Hopson, Turner, Kirby |
| 14 | 03/31 | (S) | Conference Report Filed |
| 15 | 03/31 | (H) | Conference Report Filed |
| 16 | 04/01 | (H) | Conference Report Adopted {Vote} |
| 17 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 18 | 04/08 | (H) | Enrolled Bill Signed |
| 19 | 04/08 | (S) | Enrolled Bill Signed |
| 20 | 04/25 | | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 477

Conference Reports:

Conference Report

Code Section: A 011-0007-0013

----- Additional Information -----

House Committee: Judiciary A

Senate Committee: Judiciary, Division A

Principal Author: Gunn

Additional Authors: Bennett

Title: AN ACT TO AMEND SECTION 11-7-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT ONLY PERSONS LISTED IN THIS SECTION MAY BRING A WRONGFUL DEATH ACTION AND THAT ONLY THOSE PERSONS SHALL BE CONSIDERED INTERESTED PARTIES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 477

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary A

By: Representatives Gunn, Bennett

House Bill 477

(As Sent to Governor)

AN ACT TO AMEND SECTION 11-7-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT ONLY PERSONS LISTED IN THIS SECTION MAY BRING A WRONGFUL DEATH ACTION AND THAT ONLY THOSE PERSONS SHALL BE CONSIDERED INTERESTED PARTIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 11-7-13, Mississippi Code of 1972, is amended as follows:

11-7-13. Whenever the death of any person or of any unborn quick child shall be caused by any real, wrongful or negligent act or omission, or by such unsafe machinery, way or appliances as would, if death had not ensued, have entitled the party injured or damaged thereby to maintain an action and recover damages in respect thereof, or whenever the death of any person or of any unborn quick child shall be caused by the breach of any warranty, express or implied, of the purity or fitness of any foods, drugs, medicines, beverages, tobacco or any and all other articles or commodities intended for human consumption, as would, had the death not ensued, have entitled the person injured or made ill or damaged thereby, to maintain an action and recover damages in respect thereof, and such deceased person shall have left a widow or children or both, or husband or father or mother, or sister, or brother, the person or corporation, or both that would have been liable if death had not ensued, and the representatives of such person shall be liable for damages, notwithstanding the death, and the fact that death was instantaneous shall in no case affect the right of recovery. The action for such damages may be brought in the name of the personal representative of the deceased person or unborn quick child for the benefit of all persons entitled under the law to recover, or by widow for the death of her husband, or by the husband for the death of the wife, or by the parent for the death of a child or unborn quick child, or in the name of a child, or in the name of a child for the death of a parent, or by a brother for the death

of a sister, or by a sister for the death of a brother, or by a sister for the death of a sister, or a brother for the death of a brother, or all parties interested may join in the suit, and there shall be but one (1) suit for the same death which shall ensue for the benefit of all parties concerned, but the determination of such suit shall not bar another action unless it be decided on its merits. Except as otherwise provided in Section 11-1-69, in such action the party or parties suing shall recover such damages allowable by law as the jury may determine to be just, taking into consideration all the damages of every kind to the decedent and all damages of every kind to any and all parties interested in the suit.

This section shall apply to all personal injuries of servants and employees received in the service or business of the master or employer, where such injuries result in death, and to all deaths caused by breach of warranty, either express or implied, of the purity and fitness of foods, drugs, medicines, beverages, tobacco or other articles or commodities intended for human consumption.

Any person entitled to bring a wrongful death action may assert or maintain a claim for any breach of expressed warranty or for any breach of implied warranty. A wrongful death action may be maintained or asserted for strict liability in tort or for any cause of action known to the law for which any person, corporation, legal representative or entity would be liable for damages if death had not ensued.

In an action brought pursuant to the provisions of this section by the widow, husband, child, father, mother, sister or brother of the deceased or unborn quick child, or by all interested parties, such party or parties may recover as damages property damages and funeral, medical or other related expenses incurred by or for the deceased as a result of such wrongful or negligent act or omission or breach of warranty, whether an estate has been opened or not. Any amount, but only such an amount, as may be recovered for property damage, funeral, medical or other related expenses shall be subject only to the payment of the debts or liabilities of the deceased for property damages, funeral, medical or other related expenses. All other damages recovered under the provisions of this section shall not be subject to the payment of the debts or liabilities of the deceased, except as

hereinafter provided, and such damages shall be distributed as follows:

Damages for the injury and death of a married man shall be equally distributed to his wife and children, and if he has no children all shall go to his wife; damages for the injury and death of a married woman shall be equally distributed to the husband and children, and if she has no children all shall go to the husband; and if the deceased has no husband or wife, the damages shall be equally distributed to the children; if the deceased has no husband, nor wife, nor children, the damages shall be distributed equally to the father, mother, brothers and sisters, or such of them as the deceased may have living at his or her death. If the deceased have neither husband, nor wife, nor children, nor father, nor mother, nor sister, nor brother, then the damages shall go to the legal representative, subject to debts and general distribution, and the fact that the deceased was instantly killed shall not affect the right of the legal representative to recover. All references in this section to children shall include descendants of a deceased child, such descendants to take the share of the deceased child by representation. There shall not be, in any case, a distinction between the kindred of the whole and half blood of equal degree. The provisions of this section shall apply to illegitimate children on account of the death of the mother and to the mother on account of the death of an illegitimate child or children, and they shall have all the benefits, rights and remedies conferred by this section on legitimates. The provisions of this section shall apply to illegitimate children on account of the death of the natural father and to the natural father on account of the death of the illegitimate child or children, and they shall have all the benefits, rights and remedies conferred by this section on legitimates, if the survivor has or establishes the right to inherit from the deceased under Section 91-1-15.

Any rights which a blood parent or parents may have under this section are hereby conferred upon and vested in an adopting parent or adopting parents surviving their deceased adopted child, just as if the child were theirs by the full-blood and had been born to the adopting parents in lawful wedlock.

The list of persons in this section who may bring a wrongful death action is exclusive and only those persons

shall be considered interested parties who are entitled to bring an action under this section.

A defendant in an action under this section is authorized within ninety (90) days of filing an answer, to request that the plaintiff initiate the process of determining heirs. Such determination must be resolved before commencement of trial.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 517

Description: Mississippi Highway 15; designate certain bridge in Chickasaw County as the “Representative William E. ‘Billy’ Bowles Memorial Bridge”.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 561

History of Actions:

- 1 01/21 (H) Referred To Transportation
- 2 01/30 (H) Title Suff Do Pass
- 3 02/07 (H) Passed {Vote}
- 4 02/08 (H) Transmitted To Senate
- 5 02/12 (S) Referred To Highways and Transportation
- 6 02/26 (S) Title Suff Do Pass As Amended
- 7 03/12 (S) Amended
- 8 03/12 (S) Passed As Amended {Vote}
- 9 03/13 (S) Returned For Concurrence
- 10 03/14 (H) Decline to Concur/Invite Conf
- 11 03/25 (H) Conferees Named

Johnson, Massengill, Sullivan

- 12 03/29 (S) Conferees Named Simmons
- (13th), Brown, Browning
- 13 03/31 (S) Conference Report Filed
- 14 03/31 (H) Conference Report Filed
- 15 04/01 (H) Conference Report Adopted {Vote}
- 16 04/03 (S) Conference Report Adopted {Vote}
- 17 04/08 (H) Enrolled Bill Signed
- 18 04/08 (S) Enrolled Bill Signed
- 19 04/25 Approved by Governor

Amendments:

[S] Committee Amendment No 1 Replaced by Substitute

[S] Substitute No 1 for Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 517

Conference Reports:

Conference Report

----- Additional Information -----

House Committee: Transportation

Senate Committee: Highways and Transportation

Principal Author: Sullivan

Additional Authors: Alday, Aldridge, Arnold, Bailey, Bain, Baker, Banks, Baria, Barker, Barton, Beckett, Bell, Bennett, Blackmon, Bounds, Boyd, Broomfield, Brown (20th), Brown (66th), Buck (5th), Buck (72nd), Burnett, Busby, Byrd, Calhoun, Carpenter, Chism, Clark, Clarke, Cockerham, Coleman (29th), Coleman (65th), Crawford, Currie, DeBar, DeLano, Denny, Dickson, Dixon, Eaton, Ellis, Espy, Eure, Evans (43rd), Evans (70th), Evans (91st), Flaggs, Formby, Frierson, Gipson, Guice, Gunn, Hamilton, Haney, Harrison, Hines, Holland, Holloway, Hood, Horan, Horne, Howell, Huddleston (15th), Huddleston (30th), Jennings, Johnson, Kinkade, Ladner, Lamar, Lane, Lott, Malone, Martinson, Massengill, Mayo, McLeod, Mettetal, Middleton, Miles, Mims, Moak, Monsour, Moore, Morgan, Myers, Nelson, Oberhausen, Patterson, Perkins, Pigott, Powell, Read, Reynolds, Rogers (14th), Rogers (61st), Rushing, Scott, Shirley, Shows, Smith (27th), Smith (39th), Snowden, Staples, Steverson, Straughter, Stringer, Taylor, Thomas, Turner, Upshaw, Warren, Watson, Weathersby, White, Whittington, Williams-Barnes, Wooten, Young, Zuber

Title: AN ACT TO DESIGNATE A CERTAIN BRIDGE ON MISSISSIPPI HIGHWAY 15 IN CHICKASAW COUNTY WITHIN THE CITY OF HOUSTON AS THE "REPRESENTATIVE WILLIAM E. 'BILLY' BOWLES MEMORIAL BRIDGE"; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 517

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Transportation

By: The Entire Membership

House Bill 517

(As Sent to Governor)

AN ACT TO DESIGNATE A CERTAIN BRIDGE ON MISSISSIPPI HIGHWAY 15 IN CHICKASAW COUNTY WITHIN THE CITY OF HOUSTON AS THE "REPRESENTATIVE WILLIAM E. 'BILLY' BOWLES MEMORIAL BRIDGE"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The bridge on Mississippi Highway 15 in Chickasaw County within the City of Houston at its intersection with Mississippi Highway 8 is designated and shall be known as the "Representative William E. 'Billy' Bowles Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs and markers along and approaching, and at each end of, the bridge described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 545

Description: Uninsured motorist coverage; delete minimum number of vehicles necessary to purchase nonstacking coverage.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 507

History of Actions:

- | | | | |
|----|-------|-----|--|
| 1 | 01/21 | (H) | Referred To Insurance |
| 2 | 01/22 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 01/24 | (H) | Read the Third Time |
| 4 | 02/06 | (H) | Amended |
| 5 | 02/06 | (H) | Passed As Amended {Vote} |
| 6 | 02/11 | (H) | Transmitted To Senate |
| 7 | 02/13 | (S) | Referred To Insurance |
| 8 | 02/27 | (S) | Title Suff Do Pass As Amended |
| 9 | 03/08 | (S) | Amended |
| 10 | 03/08 | (S) | Passed As Amended {Vote} |
| 11 | 03/11 | (S) | Returned For Concurrence |
| 12 | 03/12 | (H) | Decline to Concur/Invite Conf |
| 13 | 03/25 | (H) | Conferees Named Chism, Formby, Gipson |
| 14 | 03/25 | (S) | Conferees Named Carmichael, Kirby, Parks |
| 15 | 03/26 | (H) | Conference Report Filed |
| 16 | 03/26 | (S) | Conference Report Filed |
| 17 | 03/27 | (H) | Conference Report Adopted {Vote} |
| 18 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 19 | 04/08 | (H) | Enrolled Bill Signed |
| 20 | 04/08 | (S) | Enrolled Bill Signed |
| 21 | 04/23 | | Approved by Governor |

Amendments:

[H] Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 2 *Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 545

Conference Reports:

Conference Report

Code Section: A 083-0011-0102

----- **Additional Information** -----

House Committee: Insurance

Senate Committee: Insurance

Principal Author: Chism

Title: AN ACT TO AMEND SECTION 83-11-102, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM NUMBER OF VEHICLES THAT MUST BE COVERED FOR AN INSURED IN AN AUTOMOBILE LIABILITY POLICY TO PURCHASE SINGLE-LIMIT, NONSTACKING UNINSURED MOTORIST INSURANCE COVERAGE COVERING ALL VEHICLES LISTED IN THE POLICY; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 545

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Insurance

By: Representative Chism

House Bill 545

(As Sent to Governor)

AN ACT TO AMEND SECTION 83-11-102, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM NUMBER OF VEHICLES THAT MUST BE COVERED FOR AN INSURED IN AN AUTOMOBILE LIABILITY POLICY TO PURCHASE SINGLE-LIMIT, NONSTACKING UNINSURED MOTORIST INSURANCE COVERAGE COVERING ALL VEHICLES LISTED IN THE POLICY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 83-11-102, Mississippi Code of 1972, is amended as follows:

83-11-102. (1) An insured in an automobile liability policy that covers* * * four (4) or more vehicles may elect to purchase, and an insurer may offer, single-limit, nonstacking uninsured motorist insurance coverage covering all vehicles listed in the policy for a single amount of uninsured motorist coverage. The single uninsured motorist coverage limit must be in an amount of no less than the liability limits required under the Mississippi Motor Vehicle Safety Responsibility Law for* * * four (4) vehicles combined. No matter how many vehicles are listed in or covered by the policy, the policy shall provide only one (1) single limit of uninsured motorist coverage to an injured person, or for property damage, or both, for any one (1) accident. The single limit of uninsured motorist coverage provided by the single-limit, nonstacking uninsured motorist insurance coverage may, where appropriate, be aggregated with or stacked with uninsured motorist insurance coverage available from other policies.

(2) In the course of the sale or issuance of single-limit, nonstacking uninsured motorist insurance coverage, insurers shall inform the named insured or applicant, on a form approved by the Department of Insurance, of the limitation on stacking imposed and that such coverage is an alternative to coverage without such limitation, and such form shall be signed by or on behalf of the named insured or applicant. If this form is signed by or on behalf of a named insured or applicant, it

is binding upon all persons insured by the uninsured motorist coverage and it shall be presumed that there was an informed, knowing acceptance of such limitation. When the named insured or applicant has initially accepted such limitation on stacking, such acceptance shall apply to any policy from the same insurer, including sister insurers in the same holding company, which renews the coverage, extends the coverage or changes covered vehicles unless and until the named insured requests in writing a change to stackable uninsured motorist coverage. Endorsements to the coverage language that do not change the uninsured motorist coverage language shall not be considered a new policy for purposes of determining whether a new acceptance form is necessary.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 552

Description: Certificate of free sale; authorize the Dept. of Agriculture to issue for agricultural products grown, produced or manufactured in MS.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: Passage

Chapter Number: 509

History of Actions:

- 1 01/21 (H) Referred To Agriculture
- 2 01/29 (H) Title Suff Do Pass
- 3 01/31 (H) Passed {Vote}
- 4 02/01 (H) Transmitted To Senate
- 5 02/15 (S) Referred To Agriculture
- 6 02/25 (S) Title Suff Do Pass As Amended
- 7 03/11 (S) Amended
- 8 03/11 (S) Passed As Amended {Vote}
- 9 03/12 (S) Returned For Concurrence
- 10 03/14 (H) Decline to Concur/Invite Conf
- 11 03/25 (H) Conferees Named Sullivan, Pigott, Evans
(43rd)
- 12 03/26 (S) Conferees Named Hudson, Hill, Chassaniol
- 13 03/30 (S) Conference Report Filed
- 14 03/30 (H) Conference Report Filed
- 15 04/01 (H) Conference Report Adopted {Vote}
- 16 04/02 (S) Conference Report Adopted {Vote}
- 17 04/08 (H) Enrolled Bill Signed
- 18 04/08 (S) Enrolled Bill Signed
- 19 04/23 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 552

Conference Reports:

Conference Report

----- Additional Information -----

House Committee: Agriculture

Senate Committee: Agriculture

Principal Author: Sullivan

Title: AN ACT TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE TO ISSUE CERTIFICATES OF FREE SALE FOR AGRICULTURAL PRODUCTS EXPORTED FROM THE STATE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 552

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Agriculture

By: Representative Sullivan

House Bill 552

(As Sent to Governor)

AN ACT TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE TO ISSUE CERTIFICATES OF FREE SALE FOR AGRICULTURAL PRODUCTS EXPORTED FROM THE STATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. A certificate of free sale is sometimes required for agricultural products from Mississippi to enter importing states and foreign countries. Persons exporting products from Mississippi are often asked by importing states and foreign countries to supply a certificate for products registered with or regulated by the Mississippi Department of Agriculture and Commerce. The purpose of this act is to authorize the Mississippi Department of Agriculture and Commerce to issue a certificate of free sale for agricultural products and those products registered with or regulated by the department for the purpose of exporting these products from Mississippi.

SECTION 2. As used in this act:

(a) "Agricultural products" means, but is not limited to, any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock that is marketed for human or livestock consumption or products that are used for agricultural purposes such as fertilizers and soil and plant amendments.

(b) "Department" means the Mississippi Department of Agriculture and Commerce.

SECTION 3. (1) The department is authorized to issue certificates of free sale for products grown or manufactured in Mississippi or distributed and sold from Mississippi. The business must be in good standing with the Mississippi Secretary of State's office.

(2) All requests for certificates must be in writing and shall contain at least the following information:

2013 GENERAL LAWS OF MISSISSIPPI HB 552

(a) The name under which the business is conducted and/or licensed;

(b) The physical address where the business is conducted;

(c) The type of operation conducted by the requesting establishment;

(d) The product's full, common or usual name of the product, the name of the manufacturer and the size of the product. Each product size shall be submitted as a separate product. Products on the certificate will be listed exactly as submitted;

(e) The country or countries to where the product is being shipped; and

(f) The number of certificates requested.

(3) (a) Labeling information, promotional information, website information, master formulas, marketing clearance letters, distribution records, and advertising affixed to, accompanying, or relating to the products may be required to be submitted for each product upon request by the department.

If labeling is in a foreign language, applicant shall provide English translation. Labeling information shall be in final format. Label prototypes and drafts shall not be accepted.

(b) The certificate will list the product name, the manufacturer's name, and the product size, if applicable.

(4) The department assumes no legal liability by issuing these certificates, but merely serves to promote the export of agricultural products from the State of Mississippi.

SECTION 4. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 591

Description: Headquarters sales tax exemption and income tax credit; revise number of jobs necessary to qualify for, provide new exemption and credit.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: Revenue

Revenue: Yes

Vote type required: Three/Fifths

Effective date: ** See Text

Chapter Number: 571

History of Actions:

- | | | | |
|--------------|-------|-----|--|
| 1 | 01/21 | (H) | Referred To Ways and Means |
| 2 | 02/25 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 02/27 | (H) | Committee Substitute Adopted |
| 4 | 02/27 | (H) | Passed {Vote} |
| 5 | 03/01 | (H) | Transmitted To Senate |
| 6 | 03/04 | (S) | Referred To Finance |
| 7 | 03/14 | (S) | Title Suff Do Pass As Amended |
| 8 | 03/19 | (S) | Amended |
| 9 | 03/19 | (S) | Passed As Amended {Vote} |
| 10 | 03/20 | (S) | Returned For Concurrence |
| 11 | 03/21 | (H) | Decline to Concur/Invite Conf |
| 12 | 03/25 | (H) | Conferees Named Smith (39th), Rogers |
| (61st), Mayo | | | |
| 13 | 03/27 | (S) | Conferees Named Fillingane, Kirby, Harkins |
| 14 | 03/28 | (S) | Conference Report Filed |
| 15 | 03/28 | (H) | Conference Report Filed |
| 16 | 03/29 | (H) | Conference Report Adopted {Vote} |
| 17 | 03/31 | (S) | Conference Report Adopted {Vote} |
| 18 | 04/10 | (H) | Enrolled Bill Signed |
| 19 | 04/10 | (S) | Enrolled Bill Signed |
| 20 | 04/26 | | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 591

Conference Reports:
| Conference Report

Code Section: A 027-0065-0101, A 057-0073-0021

----- **Additional Information** -----

House Committee: Ways and Means

Senate Committee: Finance

Principal Author: Smith (39th)

Title: AN ACT TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO LOWER TO 20 THE NUMBER OF JOBS THAT MUST BE CREATED AT THE HEADQUARTERS OF A COMPANY TRANSFERRING OR ESTABLISHING ITS NATIONAL OR REGIONAL HEADQUARTERS FROM WITHIN OR WITHOUT THIS STATE IN ORDER FOR THE COMPANY TO BE ELIGIBLE FOR THE SALES TAX EXEMPTION ON SALES OF COMPONENT MATERIALS USED IN THE CONSTRUCTION OF, OR IMPROVEMENTS TO, ITS HEADQUARTERS BUILDING; TO AUTHORIZE A SALES TAX EXEMPTION FOR SALES OF COMPONENT MATERIALS USED IN THE CONSTRUCTION OF A BUILDING, OR ANY ADDITION OR IMPROVEMENT THEREON, AND SALES OF MACHINERY AND EQUIPMENT NOT LATER THAN THREE MONTHS AFTER THE COMPLETION OF THE BUILDING, ADDITION OR IMPROVEMENT THEREON, TO BE USED THEREIN, FOR ANY COMPANY EXPANDING OR MAKING ADDITIONS AFTER JANUARY 1, 2013, TO ITS NATIONAL OR REGIONAL HEADQUARTERS WITHIN THE STATE OF MISSISSIPPI AND CREATING A MINIMUM OF TWENTY NEW JOBS AT THE HEADQUARTERS AS A RESULT OF THE EXPANSION OR ADDITIONS; TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF REVENUE, RATHER THAN THE MISSISSIPPI DEVELOPMENT AUTHORITY, SHALL ESTABLISH CRITERIA AND PRESCRIBE PROCEDURES TO DETERMINE IF A COMPANY QUALIFIES AS A NATIONAL OR REGIONAL HEADQUARTERS FOR THE PURPOSE OF RECEIVING THE ADDITIONAL INCOME TAX CREDIT AUTHORIZED FOR A COMPANY TRANSFERRING OR ESTABLISHING ITS NATIONAL OR REGIONAL HEADQUARTERS FROM WITHIN OR WITHOUT THIS STATE; TO AUTHORIZE AN ADDITIONAL INCOME TAX CREDIT FOR ANY COMPANY EXPANDING OR MAKING ADDITIONS AFTER JANUARY 1, 2013, TO ITS NATIONAL OR REGIONAL HEADQUARTERS WITHIN THE STATE OF MISSISSIPPI AND CREATING A MINIMUM OF TWENTY NEW JOBS AS A RESULT OF THE EXPANSION OR ADDITIONS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 591

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representative Smith (39th)

House Bill 591

(As Sent to Governor)

AN ACT TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO LOWER TO 20 THE NUMBER OF JOBS THAT MUST BE CREATED AT THE HEADQUARTERS OF A COMPANY TRANSFERRING OR ESTABLISHING ITS NATIONAL OR REGIONAL HEADQUARTERS FROM WITHIN OR WITHOUT THIS STATE IN ORDER FOR THE COMPANY TO BE ELIGIBLE FOR THE SALES TAX EXEMPTION ON SALES OF COMPONENT MATERIALS USED IN THE CONSTRUCTION OF, OR IMPROVEMENTS TO, ITS HEADQUARTERS BUILDING; TO AUTHORIZE A SALES TAX EXEMPTION FOR SALES OF COMPONENT MATERIALS USED IN THE CONSTRUCTION OF A BUILDING, OR ANY ADDITION OR IMPROVEMENT THEREON, AND SALES OF MACHINERY AND EQUIPMENT NOT LATER THAN THREE MONTHS AFTER THE COMPLETION OF THE BUILDING, ADDITION OR IMPROVEMENT THEREON, TO BE USED THEREIN, FOR ANY COMPANY EXPANDING OR MAKING ADDITIONS AFTER JANUARY 1, 2013, TO ITS NATIONAL OR REGIONAL HEADQUARTERS WITHIN THE STATE OF MISSISSIPPI AND CREATING A MINIMUM OF TWENTY NEW JOBS AT THE HEADQUARTERS AS A RESULT OF THE EXPANSION OR ADDITIONS; TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF REVENUE, RATHER THAN THE MISSISSIPPI DEVELOPMENT AUTHORITY, SHALL ESTABLISH CRITERIA AND PRESCRIBE PROCEDURES TO DETERMINE IF A COMPANY QUALIFIES AS A NATIONAL OR REGIONAL HEADQUARTERS FOR THE PURPOSE OF RECEIVING THE ADDITIONAL INCOME TAX CREDIT AUTHORIZED FOR A COMPANY TRANSFERRING OR ESTABLISHING ITS NATIONAL OR REGIONAL HEADQUARTERS FROM WITHIN OR WITHOUT THIS STATE; TO AUTHORIZE AN ADDITIONAL INCOME TAX CREDIT FOR ANY COMPANY EXPANDING OR MAKING ADDITIONS AFTER JANUARY 1, 2013, TO ITS NATIONAL OR REGIONAL HEADQUARTERS WITHIN THE STATE OF MISSISSIPPI AND CREATING A MINIMUM OF TWENTY NEW JOBS AS A RESULT OF THE EXPANSION OR ADDITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-65-101, Mississippi Code of 1972, as amended by Section 1 of Senate Bill No. 2829, 2013 Regular Session, is amended as follows:

2013 GENERAL LAWS OF MISSISSIPPI HB 591

27-65-101. (1) The exemptions from the provisions of this chapter which are of an industrial nature or which are more properly classified as industrial exemptions than any other exemption classification of this chapter shall be confined to those persons or property exempted by this section or by the provisions of the Constitution of the United States or the State of Mississippi. No industrial exemption as now provided by any other section except Section 57-3-33 shall be valid as against the tax herein levied. Any subsequent industrial exemption from the tax levied hereunder shall be provided by amendment to this section. No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21.

The tax levied by this chapter shall not apply to the following:

(a) Sales of boxes, crates, cartons, cans, bottles and other packaging materials to manufacturers and wholesalers for use as containers or shipping materials to accompany goods sold by said manufacturers or wholesalers where possession thereof will pass to the customer at the time of sale of the goods contained therein and sales to anyone of containers or shipping materials for use in ships engaged in international commerce.

(b) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) to a manufacturer for use directly in manufacturing or processing a product for sale or rental or repairing or reconditioning vessels or barges of fifty (50) tons load displacement and over. For the purposes of this exemption, electricity used directly in the electrolysis process in the production of sodium chlorate shall be considered a raw material. This exemption shall not apply to any property used as fuel except to the extent that such fuel comprises by-products which have no market value.

(c) The gross proceeds of sales of dry docks, offshore drilling equipment for use in oil exploitation or production, vessels or barges of fifty (50) tons load displacement and over, when sold by the manufacturer or builder thereof.

(d) Sales to commercial fishermen of commercial fishing boats of over five (5) tons load displacement and not more than fifty (50) tons load displacement as registered with the

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United States Coast Guard and licensed by the Mississippi Commission on Marine Resources.

(e) The gross income from repairs to vessels and barges engaged in foreign trade or interstate transportation.

(f) Sales of petroleum products to vessels or barges for consumption in marine international commerce or interstate transportation businesses.

(g) Sales and rentals of rail rolling stock (and component parts thereof) for ultimate use in interstate commerce and gross income from services with respect to manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof).

(h) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) used or consumed directly in manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof). This exemption shall not apply to any property used as fuel.

(i) Sales of machinery or tools or repair parts therefor or replacements thereof, fuel or supplies used directly in manufacturing, converting or repairing ships, vessels or barges of three thousand (3,000) tons load displacement and over, but not to include office and plant supplies or other equipment not directly used on the ship, vessel or barge being built, converted or repaired. For purposes of this exemption, "ships, vessels or barges" shall not include floating structures described in Section 27-65-18.

(j) Sales of tangible personal property to persons operating ships in international commerce for use or consumption on board such ships. This exemption shall be limited to cases in which procedures satisfactory to the commissioner, ensuring against use in this state other than on such ships, are established.

(k) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-51-5, which are located in a county

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or portion thereof designated as an enterprise zone pursuant to Sections 57-51-1 through 57-51-15.

(l) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-54-5.

(m) Income from storage and handling of perishable goods by a public storage warehouse.

(n) The value of natural gas lawfully injected into the earth for cycling, repressuring or lifting of oil, or lawfully vented or flared in connection with the production of oil; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt.

(o) The gross collections from self-service commercial laundering, drying, cleaning and pressing equipment.

(p) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified companies, certified as such by the Mississippi Development Authority under Section 57-53-1.

(q) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Three areas (as such term is defined in Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph (q).

(r) (i) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building,

addition or improvement thereon, to be used therein, for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi and creating a minimum of* * * twenty (20) jobs at the new headquarters in this state. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this* * * subparagraph (i).

(ii) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company expanding or making additions after January 1, 2013, to its national or regional headquarters within the State of Mississippi and creating a minimum oftweny (20) new jobs at the headquarters as a result of the expansion or additions. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this subparagraph (ii).

(s) The gross proceeds from the sale of semitrailers, trailers, boats, travel trailers, motorcycles and all-terrain cycles if exported from this state within forty-eight (48) hours and registered and first used in another state.

(t) Gross income from the storage and handling of natural gas in underground salt domes and in other underground reservoirs, caverns, structures and formations suitable for such storage.

(u) Sales of machinery and equipment to nonprofit organizations if the organization:

(i) Is tax exempt pursuant to Section 501(c)(4) of the Internal Revenue Code of 1986, as amended;

(ii) Assists in the implementation of the contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; and

(iii) Engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal and tidal waters.

2013 GENERAL LAWS OF MISSISSIPPI HB 591

For purposes of this exemption, "machinery and equipment" means any ocean-going vessels, barges, booms, skimmers and other capital equipment used primarily in the operations of nonprofit organizations referred to herein.

(v) Sales or leases of materials and equipment to approved business enterprises as provided under the Growth and Prosperity Act.

(w) From and after July 1, 2001, sales of pollution control equipment to manufacturers or custom processors for industrial use. For the purposes of this exemption, "pollution control equipment" means equipment, devices, machinery or systems used or acquired to prevent, control, monitor or reduce air, water or groundwater pollution, or solid or hazardous waste as required by federal or state law or regulation.

(x) Sales or leases to a manufacturer of motor vehicles or powertrain components operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacture of motor vehicles or motor vehicle parts or used to provide climate control for manufacturing areas.

(y) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) and any other sales or leases required to establish or operate such project.

(z) Sales of component materials and equipment to a business enterprise as provided under Section 57-64-33.

(aa) The gross income from the stripping and painting of commercial aircraft engaged in foreign or interstate transportation business.

(bb) [Repealed]

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(cc) Sales or leases to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f) (xviii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacturing/production operations of the project or used to provide climate control for manufacturing/production areas.

(dd) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f) (xviii) and any other sales or leases required to establish or operate such project.

(ee) Sales of parts used in the repair and servicing of aircraft not registered in Mississippi engaged exclusively in the business of foreign or interstate transportation to businesses engaged in aircraft repair and maintenance.

(ff) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), meeting minimum criteria established by the Mississippi Development Authority.

(gg) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the facility or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), as certified by the Department of Revenue. For purposes of this paragraph, an enterprise must meet the

criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(hh) Sales of component materials used in the replacement, reconstruction or repair of a building or facility that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises or companies that were eligible for the exemptions authorized in paragraph (q), (r), (ff) or (gg) of this subsection during initial construction of the building that was destroyed or damaged, which enterprises or companies are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph.

(ii) Sales of software or software services transmitted by the Internet to a destination outside the State of Mississippi where the first use of such software or software services by the purchaser occurs outside the State of Mississippi.

(jj) Gross income of public storage warehouses derived from the temporary storage of raw materials that are to be used in an eligible facility as defined in Section 27-7-22.35.

(kk) Sales of component building materials and equipment for initial construction of facilities or expansion of facilities as authorized under Sections 57-113-1 through 57-113-7 and Sections 57-113-21 through 57-113-27.

(ll) Sales and leases of machinery and equipment acquired in the initial construction to establish facilities as authorized in Sections 57-113-1 through 57-113-7.

(mm) Sales and leases of replacement hardware, software or other necessary technology to operate a data center as authorized under Sections 57-113-21 through 57-113-27.

(nn) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of the construction of the facility, to be used in the facility, to permanent business enterprises operating a facility producing renewable

crude oil from biomass harvested or produced, in whole or in part, in Mississippi, which businesses meet minimum criteria established by the Mississippi Development Authority. As used in this paragraph, the term "biomass" shall have the meaning ascribed to such term in Section 57-113-1.

(oo) Sales of supplies, equipment and other personal property to an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and is the host organization coordinating a professional golf tournament played or to be played in this state and the supplies, equipment or other personal property will be used for purposes related to the golf tournament and related activities.

(pp) Sales of materials used in the construction of a health care industry facility, as defined in Section 57-117-3, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition thereon, to be used therein, to qualified businesses, as defined in Section

57-117-3. This paragraph shall be repealed from and after July 1, 2022.

(2) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(3) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to

a permanent business enterprise operating a data/information enterprise in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses meet minimum criteria established by the Mississippi Development Authority, shall be exempt from one-half (1/2) of the taxes imposed on such transaction under this chapter.

(4) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter. For purposes of this subsection, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(5) (a) For purposes of this subsection:

(i) "Telecommunications enterprises" shall have the meaning ascribed to such term in Section 57-73-21;

(ii) "Tier One areas" mean counties designated as Tier One areas pursuant to Section 57-73-21;

(iii) "Tier Two areas" mean counties designated as Tier Two areas pursuant to Section 57-73-21;

(iv) "Tier Three areas" mean counties designated as Tier Three areas pursuant to Section 57-73-21; and

(v) "Equipment used in the deployment of broadband technologies" means any equipment capable of being used for or in connection with the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four (384) kilobits per second in at least one (1) direction, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

(b) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, 2020, that is installed in Tier One areas and used in the deployment of broadband technologies shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(c) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, 2020, that is installed in Tier Two and Tier Three areas and used in the deployment of broadband technologies shall be exempt from the taxes imposed on such transactions under this chapter.

(6) Sales of component materials used in the replacement, reconstruction or repair of a building that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises that were eligible for the partial exemptions provided for in subsections (2), (3) and (4) of this section during initial construction of the building that was destroyed or damaged, which enterprises are certified by the Department of Revenue as being eligible for the partial exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

SECTION 2. Section 57-73-21, Mississippi Code of 1972, as amended by Section 4 of House Bill No. 117, 2013 Regular Session, is amended as follows:

[In cases involving business enterprises that received or applied for the job tax credit authorized by this section prior to January 1, 2005, this section shall read as follows:]

57-73-21. (1) Annually by December 31, using the most current data available from the University Research Center, Mississippi Department of Employment Security and the United States Department of Commerce, the State Tax Commission shall rank and designate the state's counties as provided in this section. The twenty-eight (28) counties in this state having a combination of the highest unemployment rate and lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated

Tier Three areas. The twenty-seven (27) counties in the state with a combination of the next highest unemployment rate and next lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Two areas. The twenty-seven (27) counties in the state with a combination of the lowest unemployment rate and the highest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier One areas. Counties designated by the Tax Commission qualify for the appropriate tax credit for jobs as provided in subsections (2), (3) and (4) of this section. The designation by the Tax Commission is effective for the tax years of permanent business enterprises which begin after the date of designation. For companies which plan an expansion in their labor forces, the Tax Commission shall prescribe certification procedures to ensure that the companies can claim credits in future years without regard to whether or not a particular county is removed from the list of Tier Three or Tier Two areas.

(2) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties designated by the Tax Commission as Tier Three areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to Two Thousand Dollars (\$2,000.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number

of full-time employees subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by ten (10) or more in a Tier Three area are eligible for the credit. Credit is not allowed during any of the five (5) years if the net employment increase falls below ten (10). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of ten (10).

(3) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties that have been designated by the Tax Commission as Tier Two areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to One Thousand Dollars (\$1,000.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by fifteen (15) or more in Tier Two areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below fifteen (15). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of fifteen (15).

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(4) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties designated by the Tax Commission as Tier One areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by twenty (20) or more in Tier One areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below twenty (20). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of twenty (20).

(5) In addition to the credits authorized in subsections (2), (3) and (4), an additional Five Hundred Dollars (\$500.00) credit for each net new full-time employee or an additional One Thousand Dollars (\$1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars (\$2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to

Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi. A minimum of thirty-five (35) jobs must be created to qualify for the additional credit. The State Tax Commission shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this subsection. As used in this subsection, the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.

(6) In addition to the credits authorized in subsections (2), (3), (4) and (5), any job requiring research and development skills (chemist, engineer, etc.) shall qualify for an additional One Thousand Dollars (\$1,000.00) credit for each net new full-time employee.

(7) In lieu of the tax credits provided in subsections (2) through (6), any commercial or industrial property owner which remediates contaminated property in accordance with Sections 49-35-1 through 49-35-25, is allowed a job tax credit for taxes imposed by Section 27-7-5 equal to the amounts provided in subsection (2), (3) or (4) for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. This subsection shall be administered in the same manner as subsections (2), (3) and (4), except the landowner shall not be required to increase employment by the levels provided in subsections (2), (3) and (4) to be eligible for the tax credit.

(8) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for additional net new full-time jobs created by business enterprises qualified under subsections (2), (3), (4), (5), (6) and (7) of this section. Except as otherwise provided, the Tax Commission shall adjust the credit allowed in the event of employment fluctuations during the additional five (5) years of credit.

(9) (a) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any business enterprise may not create new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The Tax Commission shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(b) This subsection shall not apply in cases in which a business enterprise has ceased operation, laid off all its employees and is subsequently acquired by another unrelated business entity that continues operation of the enterprise in the same or a similar type of business. In such a case the succeeding business entity shall be eligible for the credit authorized by this section unless the cessation of operation of the business enterprise was for the purpose of obtaining new eligibility for the credit.

(10) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the qualified jobs were established but the credit established by this section taken in any one (1) tax year must be limited to an amount not greater than fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year. If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to use the existing carryforward, the Chairman of the State Tax Commission may extend the period that the credit may be carried forward for a period of time not to exceed two (2) years.

(11) No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive the tax credits provided in this section.

(12) The credits allowed under this section shall not be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits.

(13) The tax credits provided for in this section shall be in addition to any tax credits described in Sections 57-51-13(b), 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official action by the Mississippi Development Authority prior to July 1, 1989, to any business enterprise determined prior to July 1, 1989, by the Mississippi Development Authority to be a qualified business as defined in Section 57-51-5(f) or Section 57-54-5(d) or a qualified company as described in Section 57-53-1, as the case may be; however, from and after July 1, 1989, tax credits shall be allowed only under either this section or Sections 57-51-13(b), 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time employee.

(14) As used in this section, the term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

[In cases involving business enterprises that apply for the job tax credit authorized by this section from and after January 1, 2005, this section shall read as follows:]

57-73-21. (1) Annually by December 31, using the most current data available from the University Research Center, Mississippi Department of Employment Security and the United States Department of Commerce, the* * * Department of Revenue shall rank and designate the state's counties as provided in this section. The twenty-eight (28) counties in this state having a combination of the highest unemployment rate and lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Three areas. The twenty-seven (27) counties in the state with a combination of the next highest unemployment rate and next lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Two areas. The twenty-seven (27) counties in the state with a combination of the

lowest unemployment rate and the highest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier One areas. Counties designated by the* * * Department of Revenue qualify for the appropriate tax credit for jobs as provided in this section. The designation by the* * * Department of Revenue is effective for the tax years of permanent business enterprises which begin after the date of designation. For companies which plan an expansion in their labor forces, the* * * Department of Revenue shall prescribe certification procedures to ensure that the companies can claim credits in future years without regard to whether or not a particular county is removed from the list of Tier Three or Tier Two areas.

(2) Permanent business enterprises in counties designated by the* * * Department of Revenue as Tier Three areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to ten percent (10%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the* * * Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by ten (10) or more in a Tier Three area are eligible for the credit. Credit is not allowed during any of the five (5) years if the net employment increase falls below ten (10). The* * * Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of ten (10).

(3) Permanent business enterprises in counties that have been designated by the* * * Department of Revenue as Tier Two areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to five percent (5%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after

the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the* * * Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by fifteen (15) or more in Tier Two areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below fifteen (15). The* * * Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of fifteen (15).

(4) Permanent business enterprises in counties designated by the* * * Department of Revenue as Tier One areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to two and one-half percent (2.5%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the* * * Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by twenty (20) or more in Tier One areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below twenty (20). The* * * Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of twenty (20).

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(5) (a) In addition to the other credits authorized in this section, an additional Five Hundred Dollars (\$500.00) credit for each net new full-time employee or an additional One Thousand Dollars (\$1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars (\$2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi. A minimum of twenty (20) jobs must be created to qualify for the additional credit. The* * * Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this* * * paragraph (a). As used in this* * * paragraph (a), the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.

(b) In addition to the other credits authorized in this section, an additional Five Hundred Dollars (\$500.00) credit for each net new full-time employee or an additional One Thousand Dollars (\$1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars (\$2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company expanding or making additions after January 1, 2013, to its national or regional headquarters within the State of Mississippi. A minimum of twenty (20) new jobs must be created to qualify for the additional credit. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this paragraph (b). As used in this paragraph (b),

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the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.

(6) In addition to the other credits authorized in this section, any job requiring research and development skills (chemist, engineer, etc.) shall qualify for an additional One Thousand Dollars (\$1,000.00) credit for each net new full-time employee.

(7) In lieu of the other tax credits provided in this section, any commercial or industrial property owner which remediates contaminated property in accordance with Sections 49-35-1 through 49-35-25, is allowed a job tax credit for taxes imposed by Section 27-7-5 equal to the percentage of payroll provided in subsection (2), (3) or (4) of this section for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the jobs. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. This subsection shall be administered in the same manner as subsections (2), (3) and (4), except the landowner shall not be required to increase employment by the levels provided in subsections (2), (3) and (4) to be eligible for the tax credit.

(8) (a) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for increases in the annual payroll for net new full-time jobs created by business enterprises qualified under this section. The* * * Department of Revenue shall adjust the credit allowed in the event of payroll fluctuations during the additional five (5) years of credit.

(b) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for additional net new full-time jobs created by business enterprises qualified under subsections (5) and (6) of this section. The* * * Department of Revenue shall adjust the credit allowed in the event of employment fluctuations during the additional five (5) years of credit.

(9) (a) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any business enterprise may not create

new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The* * * Department of Revenue shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(b) This subsection shall not apply in cases in which a business enterprise has ceased operation, laid off all its employees and is subsequently acquired by another unrelated business entity that continues operation of the enterprise in the same or a similar type of business. In such a case the succeeding business entity shall be eligible for the credit authorized by this section unless the cessation of operation of the business enterprise was for the purpose of obtaining new eligibility for the credit.

(10) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the qualified jobs were established but the credit established by this section taken in any one (1) tax year must be limited to an amount not greater than fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year. If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to use the existing carry-forward, the* * * Commissioner of Revenue may extend the period that the credit may be carried forward for a period of time not to exceed two (2) years.

(11) No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive the tax credits provided in this section.

(12) The credits allowed under this section shall not be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits.

(13) As used in this section:

(a) "Business enterprises" means entities primarily engaged in:

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(i) Manufacturing, processing, warehousing, distribution, wholesaling and research and development, or

(ii) Permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise.

(b) "Telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

(14) The tax credits provided for in this section shall be in addition to any tax credits described in Sections 57-51-13(b), 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official action by the Mississippi Development Authority prior to July 1, 1989, to any business enterprise determined prior to July 1, 1989, by the Mississippi Development Authority to be a qualified business as defined in Section 57-51-5(f) or Section 57-54-5(d) or a qualified company as described in Section 57-53-1, as the case may be; however, from and after July 1, 1989, tax credits shall be allowed only under either this section or Sections 57-51-13(b), 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time employee.

(15) A business enterprise that chooses to receive job training assistance pursuant to Section 1 of* * * House Bill No. 117, 2013 Regular Session, shall not be eligible for the tax credits provided for in this section.

SECTION 3. Section 2 of this act shall take effect and be in force from and after January 1, 2013, and Section 1 of

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this act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 673

Description: Human Trafficking; revise law.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 543

History of Actions:

- 1 01/21 (H) Referred To Judiciary B
- 2 02/05 (H) Title Suff Do Pass Comm Sub
- 3 02/13 (H) Read the Third Time
- 4 02/14 (H) Committee Substitute Adopted
- 5 02/14 (H) Passed {Vote}
- 6 02/18 (H) Transmitted To Senate
- 7 02/20 (S) Referred To Judiciary, Division B
- 8 03/05 (S) Title Suff Do Pass As Amended
- 9 03/12 (S) Amended
- 10 03/12 (S) Passed As Amended {Vote}
- 11 03/13 (S) Returned For Concurrence
- 12 03/15 (H) Decline to Concur/Invite Conf
- 13 03/25 (H) Conferees Named Buck (72nd), Byrd, Gipson
- 14 03/29 (S) Conferees Named Bryan, Wiggins, Hopson
- 15 04/01 (S) Conference Report Filed
- 16 04/01 (H) Conference Report Filed
- 17 04/02 (H) Conference Report Adopted {Vote}
- 18 04/02 (S) Conference Report Adopted {Vote}
- 19 04/10 (H) Enrolled Bill Signed
- 20 04/10 (S) Enrolled Bill Signed
- 21 04/25 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 673

Conference Reports:

| Conference Report

Code Section: A 97-0003-0054, A 97-0003-0054.1, A 97-0003-0054.3, A 97-0003-0054.4, A 97-0029-0049, A 97-0029-0051, RP 97-0029-0053, A 97-0043-0003, A 97-0005-0005, A 97-0005-0007, A 97-0005-0027, A 97-0005-0031, A 99-0001-0005

----- **Additional Information** -----

House Committee: Judiciary B

Senate Committee: Judiciary, Division B

Principal Author: Byrd

Additional Authors: Baker, Buck (72nd), DeBar, Gipson, McLeod, Reynolds, Taylor, Arnold, Chism, Martinson, Boyd, Upshaw

Title: AN ACT TO AMEND SECTION 97-3-54, MISSISSIPPI CODE OF 1972, TO REVISE THE TITLE OF THE HUMAN TRAFFICKING ACT FOR CLARITY; TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES FOR HUMAN TRAFFICKING AND SPECIFY ADDITIONAL ELEMENTS OF THE OFFENSE OF HUMAN TRAFFICKING; TO AMEND SECTION 97-3-54.3, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 97-3-54.4, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS; TO CREATE NEW SECTION 97-3-54.5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE USE OF UNDERCOVER OPERATIVES TO INVESTIGATE SUSPECTED HUMAN TRAFFICKING; TO CREATE NEW SECTION 97-3-54.6, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR INJUNCTIVE AND OTHER RELIEF FOR VICTIMS AND TO REQUIRE CONFIDENTIALITY; TO CREATE NEW SECTION 97-3-54.7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR FORFEITURE OF ASSETS USED IN FURTHERANCE OF TRAFFICKING AND TO PROVIDE FOR THE DISPOSITION OF PROCEEDS OF FORFEITURE; TO CREATE NEW SECTION 97-3-54.8, MISSISSIPPI CODE OF 1972, TO CREATE THE “RELIEF FOR VICTIMS OF HUMAN TRAFFICKING FUND”; TO CREATE NEW SECTION 97-3-54.9, MISSISSIPPI CODE OF 1972, TO CREATE THE POSITION OF STATEWIDE HUMAN TRAFFICKING COORDINATOR; TO AMEND SECTION 97-29-49, MISSISSIPPI CODE OF 1972, TO REVISE THE ELEMENTS AND PUNISHMENT FOR THE OFFENSE OF PROSTITUTION; TO AMEND SECTION 97-29-51, MISSISSIPPI CODE OF 1972, TO REVISE THE ELEMENTS AND PUNISHMENT FOR THE OFFENSE OF SOLICITING PROSTITUTION; TO REPEAL SECTION 97-29-53, MISSISSIPPI CODE OF 1972, WHICH SETS FORTH THE PUNISHMENT FOR PROSTITUTION AND SOLICITATION; TO AMEND SECTION 97-43-3, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS IN THE RACKETEERING ACT; TO AMEND SECTIONS 97-5-5 AND 97-5-7, MISSISSIPPI CODE OF 1972, TO CONFORM THE OFFENSES OF ENTICEMENT OF A MINOR TO THE TENOR OF THIS ACT; TO AMEND SECTION 97-5-27, MISSISSIPPI CODE OF 1972, TO CONFORM DISSEMINATION OF SEXUALLY ORIENTED MATERIAL; TO AMEND SECTION 97-5-31, MISSISSIPPI CODE OF 1972, TO CONFORM THE OFFENSE OF COMPUTER-LURING; TO AMEND SECTION 99-1-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 709, 2013 REGULAR

SESSION, TO REVISE THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF DOMESTIC VIOLENCE AND HUMAN TRAFFICKING CASES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 673

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representatives Byrd, Baker, Buck (72nd), DeBar, Gipson, McLeod, Reynolds, Taylor, Arnold, Chism, Martinson, Boyd, Upshaw

House Bill 673

(As Sent to Governor)

AN ACT TO AMEND SECTION 97-3-54, MISSISSIPPI CODE OF 1972, TO REVISE THE TITLE OF THE HUMAN TRAFFICKING ACT FOR CLARITY; TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES FOR HUMAN TRAFFICKING AND SPECIFY ADDITIONAL ELEMENTS OF THE OFFENSE OF HUMAN TRAFFICKING; TO AMEND SECTION 97-3-54.3, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 97-3-54.4, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS; TO CREATE NEW SECTION 97-3-54.5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE USE OF UNDERCOVER OPERATIVES TO INVESTIGATE SUSPECTED HUMAN TRAFFICKING; TO CREATE NEW SECTION 97-3-54.6, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR INJUNCTIVE AND OTHER RELIEF FOR VICTIMS AND TO REQUIRE CONFIDENTIALITY; TO CREATE NEW SECTION 97-3-54.7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR FORFEITURE OF ASSETS USED IN FURTHERANCE OF TRAFFICKING AND TO PROVIDE FOR THE DISPOSITION OF PROCEEDS OF FORFEITURE; TO CREATE NEW SECTION 97-3-54.8, MISSISSIPPI CODE OF 1972, TO CREATE THE "RELIEF FOR VICTIMS OF HUMAN TRAFFICKING FUND"; TO CREATE NEW SECTION 97-3-54.9, MISSISSIPPI CODE OF 1972, TO CREATE THE POSITION OF STATEWIDE HUMAN TRAFFICKING COORDINATOR; TO AMEND SECTION 97-29-49, MISSISSIPPI CODE OF 1972, TO REVISE THE ELEMENTS AND PUNISHMENT FOR THE OFFENSE OF PROSTITUTION; TO AMEND SECTION 97-29-51, MISSISSIPPI CODE OF 1972, TO REVISE THE ELEMENTS AND PUNISHMENT FOR THE OFFENSE OF SOLICITING PROSTITUTION; TO REPEAL SECTION 97-29-53, MISSISSIPPI CODE OF 1972, WHICH SETS FORTH THE PUNISHMENT FOR PROSTITUTION AND SOLICITATION; TO AMEND SECTION 97-43-3, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS IN THE RACKETEERING ACT; TO AMEND SECTIONS 97-5-5 AND 97-5-7, MISSISSIPPI CODE OF 1972, TO CONFORM THE OFFENSES OF ENTICEMENT OF A MINOR TO THE TENOR OF THIS ACT; TO AMEND SECTION 97-5-27, MISSISSIPPI CODE OF 1972, TO CONFORM DISSEMINATION OF SEXUALLY ORIENTED MATERIAL; TO AMEND SECTION 97-5-31, MISSISSIPPI CODE OF 1972, TO CONFORM THE OFFENSE OF

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COMPUTER-LURING; TO AMEND SECTION 99-1-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 709, 2013 REGULAR SESSION, TO REVISE THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF DOMESTIC VIOLENCE AND HUMAN TRAFFICKING CASES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-3-54, Mississippi Code of 1972, is amended as follows:

97-3-54. Sections 97-3-54 through* * * 97-3-54.9 may be known and cited as the Mississippi* * * Human Trafficking Act.

SECTION 2. Section 97-3-54.1, Mississippi Code of 1972, is amended as follows:

97-3-54.1. (1) (a) A person who recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services, or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of human-trafficking.

(b) A person who knowingly purchases the forced labor or services of a trafficked person or who otherwise knowingly subjects, or attempts to subject, another person to forced labor or services or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of procuring involuntary servitude.

(c) A person who knowingly subjects, or attempts to subject, or who recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, a minor, knowing that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or causes or attempts to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, shall be guilty of procuring sexual servitude of a minor and shall be punished by commitment to the custody of the Department of Corrections for not less than five (5) nor

more than thirty (30) years, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both. It is not a defense in a prosecution under this section that a minor consented to engage in the commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or that the defendant reasonably believed that the minor was eighteen (18) years of age or older.

(2) If the victim is not a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section* * * shall be committed to the custody of the Department of Corrections for not less than two (2) years nor more than twenty (20) years, or by a fine of not less than Ten Thousand Dollars (\$10,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both. If the victim of the offense is a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than five (5) years nor more than twenty (20) years, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both.

(3) An enterprise may be prosecuted for an offense under this chapter if:

(a) An agent of the enterprise knowingly engages in conduct that constitutes an offense under this chapter while acting within the scope of employment and for the benefit of the entity.

(b) An employee of the enterprise engages in conduct that constitutes an offense under this chapter and the commission of the offense was part of a pattern of illegal activity for the benefit of the enterprise, which an agent of the enterprise either knew was occurring or recklessly disregarded, and the agent failed to take effective action to stop the illegal activity.

(c) It is an affirmative defense to a prosecution of an enterprise that the enterprise had in place adequate procedures, including an effective complaint procedure, designed to prevent persons associated with the enterprise from engaging in the unlawful conduct and to promptly correct any violations of this chapter.

(d) The court may consider the severity of the enterprise's offense and order penalties, including: (i) a fine of not more than One Million Dollars (\$1,000,000.00); (ii) disgorgement of profit; and (iii) debarment from government contracts. Additionally, the court may order any of the relief provided in Section 97-3-54.7.

(4) In addition to the mandatory reporting provisions contained in Section 97-5-51, any person who has reasonable cause to suspect a minor under the age of eighteen (18) is a trafficked person shall immediately make a report of the suspected child abuse or neglect to the Department of Human Services and to the Statewide Human Trafficking Coordinator. The Department of Human Services shall then immediately notify the law enforcement agency in the jurisdiction where the suspected child abuse or neglect occurred as required in Section 43-21-353, and the department shall also commence an initial investigation into the suspected abuse or neglect as required in Section 43-21-353. A minor who has been identified as a victim of trafficking shall not be liable for criminal activity in violation of this section.

(5) It is an affirmative defense in a prosecution under this act that the defendant:

(a) Is a victim; and

(b) Committed the offense under a reasonable apprehension created by a person that, if the defendant did not commit the act, the person would inflict serious harm on the defendant, a member of the defendant's family, or a close associate.

SECTION 3. Section 97-3-54.3, Mississippi Code of 1972, is amended as follows:

97-3-54.3. A person who knowingly aids, abets or conspires with one or more persons to violate* * * the Mississippi Human Trafficking Act shall be considered a principal in the offense and shall be indicted and punished as such whether the principal has been previously convicted or not.

SECTION 4. Section 97-3-54.4, Mississippi Code of 1972, is amended as follows:

97-3-54.4. For the purposes of* * * the Mississippi Human Trafficking Act the following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise:

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(a) "Act" or "this act" means the Mississippi Human Trafficking Act.

(* * *b) "Actor" means a person who violates any of the provisions of Sections 97-3-54 through 97-3-54.4.

(* * *c) "Blackmail" means obtaining property or things of value of another by threatening to (i) inflict bodily injury on anyone; (ii) commit any other criminal offense; or (iii) expose any secret tending to subject any person to hatred, contempt or ridicule.

(* * *d) "Commercial sexual activity" means any sex act on account of which anything of value is given to, promised to, or received by any person.

(e) "Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact regardless of whether a legal entity has been formed pursuant to any state, federal or territorial law. It includes illicit as well as licit enterprises and governmental as well as other entities.

(* * *f) "Financial harm" includes, but is not limited to, extortion as defined by Section 97-3-82, Mississippi Code of 1972, or violation of the usury law as defined by Title 75, Chapter 17, Mississippi Code of 1972.

(* * *g) "Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through an actor:

(i) Causing or threatening to cause serious harm to any person;

(ii) Physically restraining or threatening to physically restrain any person;

(iii) Abusing or threatening to abuse the law or legal process;

(iv) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;

(v) Using blackmail;

(vi) Causing or threatening to cause financial harm to any person; * * *

(vii) Abusing a position of power;

(viii) Using an individual's personal services as payment or satisfaction of a real or purported debt when: 1. the reasonable value of the services is not applied toward the liquidation of the debt; 2. the length of the services is not limited and the nature of the services is not defined; 3. the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt is incurred; or 4. the individual is prevented from acquiring accurate and timely information about the disposition of the debt;

(* * *ix) Using any scheme, plan or pattern of conduct intended to cause any person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.

(* * *h) "Labor" means work of economic or financial value.

(* * *i) "Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the trafficked person to perform such labor or service.

(* * *j) "Minor" means a person under the age of eighteen (18) years.

(* * *k) "Obtain" means, in relation to labor or services, to secure performance thereof.

(1) "Pecuniary damages" means any of the following:

(i) The greater of the gross income or value to the defendant of the victim's labor or services, including sexual services, not reduced by the expense the defendant incurred as a result of maintaining the victim, or the value of the victim's labor or services calculated under the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS Section 201 et seq., whichever is higher;

(ii) If it is not possible or in the best interest of the victim to compute a value under paragraph (k)(i), the equivalent of the value of the victim's labor or services if the victim had provided labor or services that were subject to the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS 201 et seq.;

(iii) Costs and expenses incurred by the victim as a result of the offense for:

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1. Medical services;
2. Therapy or psychological counseling;
3. Temporary housing;
4. Transportation;
5. Childcare;
6. Physical and occupational therapy or rehabilitation;
7. Funeral, interment, and burial services; reasonable attorney's fees and other legal costs; and
8. Other expenses incurred by the victim.

(m) "Serious harm" means harm, whether physical or nonphysical, including psychological, economic or reputational, to an individual that would compel a reasonable person in similar circumstances as the individual to perform or continue to perform labor or services to avoid incurring the harm.

(* * * n) "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor or a third party and includes, without limitation, commercial sexual activity* * *, sexually explicit performances* * *, or the production of sexually explicit materials.

(* * * o) "Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

(* * * p) "Trafficked person" means a person subjected to the practices prohibited by* * * this act regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted, and is a term used interchangeably with the terms "victim," "victim of trafficking" and "trafficking victim."

(* * * g) "Venture" means any group of two (2) or more individuals associated in fact, whether or not a legal entity.

(* * * r) "Sexually oriented material" shall have the meaning ascribed in Section 97-5-27, Mississippi Code of 1972.

SECTION 5. The following shall be codified as Section 97-3-54.5, Mississippi Code of 1972:

97-3-54.5 Use of undercover operative in detection of offense permitted. The fact that an undercover operative

or law enforcement officer was involved in any manner in the detection and investigation of an offense under this act shall not constitute a defense to a prosecution under this act.

SECTION 6. The following shall be codified as Section 97-3-54.6, Mississippi Code of 1972:

97-3-54.6. **Injunctive and other relief for victims of trafficking; confidentiality.** (1) Any circuit court may, after making due provision for the rights of trafficked persons, enjoin violations of the provisions of this act by issuing appropriate orders and judgments, including, but not limited to:

(a) Ordering any defendant to divest himself of any interest in any enterprise, including real property.

(b) Imposing reasonable restrictions upon the future activities or investments of any defendant, including, but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this act.

(c) Ordering the dissolution or reorganization of any enterprise.

(d) Ordering the suspension or revocation of a license or permit granted to any enterprise by any agency of the state.

(e) Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation in conducting the affairs of the corporation, has authorized or engaged in conduct in violation of this chapter and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked.

(2) Notwithstanding any provisions to the contrary in Section 99-37-1 et seq., the court shall order restitution to the victim for any offense under this chapter. The order of restitution under this section shall direct the defendant to pay the victim, through the appropriate court mechanism, the full amount of the victim's pecuniary damages. For the

purposes of determining restitution, the term "victim" means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under eighteen (18) years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such a representative or guardian. The court may order restitution even if the victim is absent from the jurisdiction or unavailable.

(3) Any person who is injured by reason of any violation of the provisions of this chapter shall have a cause of action against any person or enterprise convicted of engaging in activity in violation of this chapter for threefold the actual damages sustained and, when appropriate, punitive damages. The person shall also recover attorney's fees in the trial and appellate courts and reasonable costs of investigation and litigation.

(4) The application of one (1) civil remedy under any provision of this act shall not preclude the application of any other remedy, civil or criminal, under this act or any other provision of law. Civil remedies under this act are supplemental.

(5) At any time after a conviction under this act, the court in which the conviction was entered may, upon appropriate motion, vacate the conviction if the court finds the defendant's participation in the offense was the result of being a victim. Official documentation from a federal, state or local government agency as to the defendant's status as a victim at the time of the offense creates a presumption that the defendant's participation in the offense was a result of being a victim, but official documentation is not required to grant a motion under this subsection.

(6) In a prosecution or civil action for damages for an offense under this act in which there is evidence that the alleged victim was subjected to sexual servitude, reputation or opinion evidence of past sexual behavior of the alleged victim is not admissible, unless admitted in accordance with the Mississippi Rules of Evidence.

(7) In any investigation or prosecution for an offense under this act, the responsible law enforcement agency or prosecutor's office are required to take all reasonable

efforts to keep the identity of the victim and the victim's family confidential by ensuring that the names and identifying information of those individuals are not disclosed to the public.

SECTION 7. The following shall be codified as Section 97-3-54.7, Mississippi Code of 1972:

97-3-54.7. Forfeiture of assets and disposition of proceeds.

(1) In addition to any other civil or criminal penalties provided by law, any property used in the commission of a violation of this act shall be forfeited as provided herein.

(a) The following property shall be subject to forfeiture if used or intended for use as an instrumentality in or used in furtherance of a violation of this act:

(i) Conveyances, including aircraft, vehicles or vessels;

(ii) Books, records, telecommunication equipment, or computers;

(iii) Money or weapons;

(iv) Everything of value furnished, or intended to be furnished, in exchange for an act in violation and all proceeds traceable to the exchange;

(v) Negotiable instruments and securities;

(vi) Any property, real or personal, directly or indirectly acquired or received in a violation or as an inducement to violate;

(vii) Any property traceable to proceeds from a violation; and

(viii) Any real property, including any right, title and interest in the whole of or any part of any lot or tract of land used in furtherance of a violation of this act.

(b) (i) No property used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the property is a consenting party or privy to a violation of this act;

(ii) No property is subject to forfeiture under this section by reason of any act or omission proved by the owner thereof to have been committed or omitted without his

knowledge or consent; if the confiscating authority has reason to believe that the property is a leased or rented property, then the confiscating authority shall notify the owner of the property within five (5) days of the confiscation or within five (5) days of forming reason to believe that the property is a leased or rented property;

(iii) Forfeiture of a property encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

(2) No property shall be forfeited under the provisions of this section, to the extent of the interest of an owner, by reason of any act or omission established by him to have been committed or omitted without his knowledge or consent.

(3) Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant.

(4) (a) When any property is seized under this section, proceedings shall be instituted within a reasonable period of time from the date of seizure or the subject property shall be immediately returned to the party from whom seized.

(b) A petition for forfeiture shall be filed by the Attorney General or a district attorney in the name of the State of Mississippi, the county, or the municipality, and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought, or the county in which the owner of the seized property is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized property is within the jurisdictional limits of the county court as set forth in Section 9-9-21. A copy of the petition shall be served upon the following persons by service of process in the same manner as in civil cases:

(i) The owner of the property, if address is known;

(ii) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of the secured party can be ascertained by the entity filing the petition by making a good faith effort to ascertain the identity of the secured party;

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(iii) Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the seizing law enforcement agency has actual knowledge; and

(iv) Any person in possession of property subject to forfeiture at the time that it was seized.

(5) If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, inquiry of the Department of Revenue shall be made as to what the records of the Department of Revenue show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest that affects the vehicle.

(6) If the property is a motor vehicle and is not titled in the State of Mississippi, then an attempt shall be made to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, inquiry of the appropriate agency of that state shall be made as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device that affects the vehicle. .

(7) If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, inquiry of the appropriate office designated in Section 75-9-501, shall be made as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property.

(8) If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, inquiry of the Mississippi Department of Transportation shall be made as to what the records of the Federal Aviation Administration show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property.

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(9) If the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust that affects the property, the record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust that affects the property is to be named in the petition of forfeiture and is to be served with process in the same manner as in civil cases.

(10) If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, there shall be filed with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37, for publication of notice for attachments at law.

(11) No proceedings instituted pursuant to the provisions of this section shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by this section shall be introduced into evidence at the hearing.

(12) (a) An owner of a property that has been seized shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the seizing law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in session within thirty (30) days after filing the answer. The court may postpone the forfeiture hearing to a date past the time any

criminal action is pending against the owner upon request of any party.

(b) If the owner of the property has filed an answer denying that the property is subject to forfeiture, then the burden is on the petitioner to prove that the property is subject to forfeiture. However, if an answer has not been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture. The burden of proof placed upon the petitioner in regard to property forfeited under the provisions of this chapter shall be by a preponderance of the evidence.

(c) At the hearing any claimant of any right, title or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.

(d) If it is found that the property is subject to forfeiture, then the judge shall forfeit the property. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest, or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If the interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited.

(13) Unless otherwise provided herein, all personal property which is forfeited under this section shall be liquidated and, after deduction of court costs and the expense of liquidation, the proceeds shall be divided as follows:

(a) If only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the Relief for Victims of Human Trafficking Fund, and fifty percent (50%) shall be deposited and credited to the budget of the participating law enforcement agency.

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(b) If more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the Relief for Victims of Human Trafficking Fund, twenty-five percent (25%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and twenty-five percent (25%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their twenty-five percent (25%), a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.

(14) All money forfeited under this section shall be divided, deposited and credited in the same manner as provided in subsection (13).

(15) All real estate forfeited under the provisions of this section shall be sold to the highest and best bidder at a public auction for cash, the auction to be conducted by the chief law enforcement officer of the initiating law enforcement agency, or his designee, at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution at law. The proceeds of the sale shall first be applied to the cost and expense in administering and conducting the sale, then to the satisfaction of all mortgages, deeds of trust, liens and encumbrances of record on the property. The remaining proceeds shall be divided, forwarded and deposited in the same manner as provided in subsection (13).

(16) (a) Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes all property described in subsection (1)(a)(i) of this section that has been forfeited to the agency if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. The county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for its use. If the property is

a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (9) of this section.

(b) (i) If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct.

(ii) If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.

(c) If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section 19-7-5 or in the manner provided by law for disposing of municipal property.

(17) The forfeiture procedure set forth in this section is the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner.

SECTION 8. The following shall be codified as Section 97-3-54.8, Mississippi Code of 1972:

97-3-54.8. Relief for Victims of Human Trafficking Fund. (1) There is hereby created in the State Treasury a special fund to be known as the "Relief for Victims of Human Trafficking Fund." The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of:

- (a) Monies appropriated by the Legislature;
- (b) The interest accruing to the fund;
- (c) Donations or grant funds received; and
- (d) Monies received from such other sources as may be provided by law.

(2) The monies in the Relief for Victims of Human Trafficking Fund shall be used by the Mississippi Attorney General's office solely for the administration of programs designed to assist victims of human trafficking, to conduct training on human trafficking to law enforcement, court personnel, attorneys, and nongovernmental service providers, and to support the

duties of the statewide human trafficking coordinator as set forth in this act.

SECTION 9. The following shall be codified as Section 97-3-54.9, Mississippi Code of 1972:

97-3-54.9. Statewide Human Trafficking Coordinator; duties.

(1) There is created the position of statewide human trafficking coordinator within the Attorney General's office. The duties of the coordinator shall be as follows:

(a) Coordinate the implementation of this act;

(b) Evaluate state efforts to combat human trafficking;

(c) Collect data on human trafficking activity within the state on an ongoing basis, including types of activities reported, efforts to combat human trafficking, and impact on victims and on the state;

(d) Exclude from publicly released portions of the data collected under subsection (1)(c) the identity of any victim and the victim's family;

(e) Promote public awareness about human trafficking, remedies and services for victims, and national hotline information;

(f) Create and maintain a website to publicize the coordinator's work;

(g) Submit to the Legislature an annual report of its evaluation under subsection (1)(b), including any recommendations, and summary of data collected under subsection (1)(c);

(h) Develop and implement rules and regulations pertaining to the use of the Relief for Victims of Human Trafficking Fund to support services for victims of human trafficking in Mississippi;

(i) Assist in the creation and operations of local human trafficking task forces or working groups around the state, including serving on a task force; and

(j) Conduct other activities, including, but not limited to, applying for grants to enhance investigation and prosecution of trafficking offenses or to improve victim services to combat human trafficking within this state which are appropriate.

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(2) The coordinator shall be authorized to seek input and assistance from state agencies, nongovernmental agencies, service providers and other individuals in the performance of the foregoing duties.

(3) Each state agency, board and commission shall be required to fully cooperate with the coordinator in the performance of the duties of that position.

(4) Every investigation of an offense under this chapter shall be reported to the coordinator by the initiating law enforcement agency pursuant to guidelines established by the coordinator.

(5) Notwithstanding the provisions of Section 43-21-261, disclosure by any state agency, nongovernmental agency, service provider or local or state law enforcement agency of nonidentifying information regarding a minor victim to the coordinator for the purposes of evaluating and collecting data regarding trafficking offenses in the state is specifically authorized.

SECTION 10. Section 97-29-49, Mississippi Code of 1972, is amended as follows:

97-29-49. * * * (1) A person commits the misdemeanor of prostitution if the person knowingly or intentionally performs, or offers or agrees to perform, sexual intercourse or sexual conduct for money or other property. "Sexual conduct" includes cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object or body part of the genital or anal opening of another.

(2) Any person violating the provisions of this section shall, upon conviction, be punished by a fine not exceeding Two Hundred Dollars (\$200.00) or by confinement in the county jail for not more than six (6) months, or both.

(3) In addition to the mandatory reporting provisions contained in Section 97-5-51, any law enforcement officer who takes a minor under eighteen (18) years of age into custody for suspected prostitution shall immediately make a report to the Department of Human Services as required in Section 43-21-353 for suspected child sexual abuse or neglect, and the department shall commence an initial investigation into suspected child sexual abuse or neglect as required in Section 43-21-353.

(4) If it is determined that a person suspected of or charged with engaging in prostitution is engaging in those acts as a direct result of being a trafficked person, as defined by Section 97-3-54.4, that person shall be immune from prosecution for prostitution as a juvenile or adult and, if a minor, the provisions of Section 97-3-54.1(4) shall be applicable.

SECTION 11. Section 97-29-51, Mississippi Code of 1972, is amended as follows:

97-29-51. * * * (1) (a) A person commits the misdemeanor of procuring the services of a prostitute if the person knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or sexual conduct with the person or with any other person. "Sexual conduct" includes cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object or body part of the genital or anal opening of another.

(b) Upon conviction under this subsection, a person shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00) or by confinement in the county jail for not more than six (6) months, or both. A second or subsequent violation of this section shall be a felony, punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or both.

(c) However, in all cases, if the person whose services are procured in violation of this subsection (1) is a minor under eighteen (18) years of age, the person convicted shall be guilty of a felony and shall, upon conviction, be punished by imprisonment for not less than five (5) years, nor more than thirty (30) years, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both.

(d) Consent of a minor is not a defense to prosecution under this subsection (1).

(2) (a) A person commits the felony of promoting prostitution if the person:

(i) Knowingly or intentionally entices, compels, causes, induces, persuades, or encourages by promise, threat,

violence, or by scheme or device, another person to become a prostitute;

(ii) Knowingly or intentionally solicits or offers or agrees to solicit, or receives or gives, or agrees to receive or give any money or thing of value for soliciting, or attempting to solicit, another person for the purpose of prostitution;

(iii) Knowingly induces, persuades, or encourages a person to come into or leave this state for the purpose of prostitution;

(iv) Having control over the use of a place or vehicle, knowingly or intentionally permits another person to use the place or vehicle for prostitution;

(v) Accepts, receives, levies or appropriates money or other property of value from a prostitute, without lawful consideration, with knowledge or reasonable cause to know it was earned, in whole or in part, from prostitution; or

(vi) Conducts, directs, takes, or transports, or offers or agrees to take or transport, or aids or assists in transporting, any person to any vehicle, conveyance, place, structure, or building, or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution.

(b) Upon conviction, a person shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) or by imprisonment in the custody of the Department of Corrections for not more than ten (10) years, or both. A second or subsequent violation shall be punished by a fine not exceeding Twenty Thousand Dollars (\$20,000.00) or by imprisonment in the custody of the Department of Corrections for up to twenty (20) years, or both.

(c) However, in all cases, if the person whose services are promoted in violation of this subsection (2) is a minor under eighteen (18) years of age, the person convicted shall be guilty of a felony and shall, upon conviction, be punished by imprisonment for not less than five (5) years, nor more than thirty (30) years, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both. There is no requirement that the defendant have actual knowledge of the age of the person

and consent of a minor is not a defense to prosecution under this section.

(3) If it is determined that a person suspected of or charged with promoting prostitution is a trafficked person, as defined by Section 97-3-54.4, that fact shall be considered a mitigating factor in any prosecution of that person for prostitution, and the person shall be referred to appropriate resources for assistance. If it is determined that a person suspected of or charged with promoting prostitution is a minor under eighteen (18) years of age who meets the definition of a trafficked person as defined in Section 97-3-54.4, the minor is immune from prosecution for promoting prostitution as a juvenile or adult and provisions of Section 97-3-54.1(4) shall be applicable.

(4) Any partnership, association, corporation or other entity violating any provision of subsection (2) against the promotion of prostitution shall, upon conviction, be punished by a fine not exceeding Fifty Thousand Dollars (\$50,000.00). If the person whose services are promoted is under eighteen (18) years of age, the partnership, association, corporation or other legal entity convicted shall be punished by a fine not exceeding One Million Dollars (\$1,000,000.00). There is no requirement that the defendant have knowledge of the age of the person. Consent of a minor is not a defense to prosecution under this section.

(5) Investigation and prosecution of a person, partnership, association, corporation or other entity under this section shall not preclude investigation or prosecution against that person, partnership, association, corporation or other entity for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Protection from Human Trafficking Act, Sections 97-3-54 et seq.

SECTION 12. Section 97-29-53, Mississippi Code of 1972, which sets the penalty for prostitution and solicitation, is repealed.

SECTION 13. Section 97-43-3, Mississippi Code of 1972, is amended as follows:

97-43-3. The following terms shall have the meanings ascribed to them herein unless the context requires otherwise:

(a) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce

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or intimidate another person to commit any crime which is chargeable under the following provisions of the Mississippi Code of 1972:

(1) Section 97-19-71, which relates to fraud in connection with any state or federally funded assistance programs.

(2) Section 75-71-735, which relates to violations of the Mississippi Securities Act.

(3) Sections 45-13-105, 45-13-109, 97-37-23 and 97-37-25, which relate to unlawful possession, use and transportation of explosives.

(4) Sections 97-3-19 and 97-3-21, which relate to murder.

(5) Section 97-3-7(2), which relates to aggravated assaults.

(6) Section 97-3-53, which relates to kidnapping.

(7) Sections 97-3-73 through 97-3-83, which relate to robbery.

(8) Sections 97-17-19 through 97-17-37, which relate to burglary.

(9) Sections 97-17-1 through 97-17-13, which relate to arson.

(10) Sections 97-29-49 * * * and 97-29-51 * * *, which relate to prostitution.

(11) Sections 97-5-5 and 97-5-31 through 97-5-37, which relate to the exploitation of children and enticing children for concealment, prostitution or marriage.

(12) Section 41-29-139, which relates to violations of the Uniform Controlled Substances Law; provided, however, that in order to be classified as "racketeering activity," such offense must be punishable by imprisonment for more than one (1) year.

(13) Sections 97-21-1 through 97-21-63, which relate to forgery and counterfeiting.

(14) Sections 97-9-1 through 97-9-77, which relate to offenses affecting administration of justice.

(15) Sections 97-33-1 through 97-33-49, which relate to gambling and lotteries.

(16) Sections 97-3-54 et seq., which relate to human trafficking.

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(b) "Unlawful debt" means money or any other thing of value constituting principal or interest of a debt which is legally unenforceable, in whole or in part, because the debt was incurred or contracted in gambling activity in violation of state law or in the business of lending money at a rate usurious under state law, where the usurious rate is at least twice the enforceable rate.

(c) "Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact although not a legal entity. It includes illicit as well as licit enterprises and governmental, as well as other, entities.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one (1) of such incidents occurred after the effective date of this chapter and that the last of such incidents occurred within five (5) years after a prior incident of racketeering conduct.

SECTION 14. Section 97-5-5, Mississippi Code of 1972, is amended as follows:

97-5-5. Every person who shall maliciously, willfully, or fraudulently lead, take, carry away, decoy or entice away, any child under the age of fourteen (14) years, with intent to detain or conceal such child from its parents, guardian, or other person having lawful charge of such child, or for the purpose of prostitution, concubinage, or marriage, shall, on conviction, be imprisoned in the * * * custody of the Department of Corrections for not * * * less than two (2) years nor more than ten (10) years, * * * or fined not more than * * * Ten Thousand Dollars (\$10,000.00), or both. Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Sections 97-3-54 et seq.

SECTION 15. Section 97-5-7, Mississippi Code of 1972, is amended as follows:

97-5-7. Any person who shall persuade, entice or decoy away from its father or mother with whom it resides any child under the age of eighteen (18) years, being unmarried, for the purpose of employing such child without the consent of its parents, or one of them, shall upon conviction be punished by a fine of not more than * * * One Thousand Dollars (\$1,000.00) or imprisoned in the county jail not more than * * * one (1) year, or both. Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Sections 97-3-54 et seq.

SECTION 16. Section 97-5-27, Mississippi Code of 1972, is amended as follows:

97-5-27. (1) Any person who intentionally and knowingly disseminates sexually oriented material to any person under eighteen (18) years of age shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or be imprisoned for not more than one (1) year in the county jail, or be punished by both such fine and imprisonment. A person disseminates sexually oriented material within the meaning of this section if he:

(a) Sells, delivers or provides, or offers or agrees to sell, deliver or provide, any sexually oriented writing, picture, record or other representation or embodiment that is sexually oriented; or

(b) Presents or directs a sexually oriented play, dance or other performance or participates directly in that portion thereof which makes it sexually oriented; or

(c) Exhibits, presents, rents, sells, delivers or provides, or offers or agrees to exhibit, present, rent or to provide any sexually oriented still or motion picture, film, filmstrip or projection slide, or sound recording, sound tape or sound track or any matter or material of whatever form which is a representation, embodiment, performance or publication that is sexually oriented.

(2) For purposes of this section, any material is sexually oriented if the material contains representations or descriptions, actual or simulated, of masturbation, sodomy, excretory functions, lewd exhibition of the genitals or female

breasts, sadomasochistic abuse (for the purpose of sexual stimulation or gratification), homosexuality, lesbianism, bestiality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast or breasts of a female for the purpose of sexual stimulation, gratification or perversion.

(3) (a) A person is guilty of computer luring when:

(i) Knowing the character and content of any communication of sexually oriented material, he intentionally uses any computer communication system allowing the input, output, examination or transfer of computer data or computer programs from one (1) computer to another, to initiate or engage in such communication with a person under the age of eighteen (18); and

(ii) By means of such communication he importunes, invites or induces a person under the age of eighteen (18) years to engage in sexual intercourse, deviant sexual intercourse or sexual contact with him, or to engage in a sexual performance, obscene sexual performance or sexual conduct for his benefit.

(b) A person who engages in the conduct proscribed by this subsection (3) is presumed to do so with knowledge of the character and content of the material.

(c) In any prosecution for computer luring, it shall be a defense that:

(i) The defendant made a reasonable effort to ascertain the true age of the minor and was unable to do so as a result of actions taken by the minor; or

(ii) The defendant has taken, in good faith, reasonable, effective and appropriate actions under the circumstances to restrict or prevent access by minors to the materials prohibited, which may involve any appropriate measures to restrict minors from access to such communications, including any method which is feasible under available technology; or

(iii) The defendant has restricted access to such materials by requiring use of a verified credit card, debit account, adult access code or adult personal identification number; or

(iv) The defendant has in good faith established a mechanism such that the labeling, segregation or other mechanism enables such material to be automatically blocked

or screened by software or other capabilities reasonably available to responsible adults wishing to effect such blocking or screening and the defendant has not otherwise solicited minors not subject to such screening or blocking capabilities to access that material or to circumvent any such screening or blocking.

(d) In any prosecution for computer luring:

(i) No person shall be held to have violated this subsection (3) solely for providing access or connection to or from a facility, system, or network not under that person's control, including transmission, downloading, intermediate storage, access software or other related capabilities that are incidental to providing such access or connection that do not include the creation of the content of the communication.

(ii) No employer shall be held liable for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency or the employer, having knowledge of such conduct, authorizes or ratifies such conduct, or recklessly disregards such conduct.

(iii) The limitations provided by this paragraph (d) shall not be applicable to a person who is a conspirator with an entity actively involved in the creation or knowing distribution of communications that violate such provisions, or who knowingly advertises the availability of such communications, nor to a person who provides access or connection to a facility, system or network engaged in the violation of such provisions that is owned or controlled by such person.

(e) Computer luring is a felony, and any person convicted thereof shall be punished by commitment to the custody of the Department of Corrections for a term not to exceed three (3) years and by a fine not to exceed Ten Thousand Dollars (\$10,000.00).

(4) Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq.

SECTION 17. Section 97-5-31, Mississippi Code of 1972, is amended as follows:

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97-5-31. As used in Sections 97-5-33 through 97-5-37, the following words and phrases shall have the meanings given to them in this section:

(a) "Child" means any individual who has not attained the age of eighteen (18) years.

(b) "Sexually explicit conduct" means actual or simulated:

(i) Oral genital contact, oral anal contact, or sexual intercourse * * * as defined in Section 97-3-65, whether between persons of the same or opposite sex;

(ii) Bestiality;

(iii) Masturbation;

(iv) Sadistic or masochistic abuse;

(v) Lascivious exhibition of the genitals or pubic area of any person; or

(vi) Fondling or other erotic touching of the genitals, pubic area, buttocks, anus or breast.

(c) "Producing" means producing, directing, manufacturing, issuing, publishing or advertising.

(d) "Visual depiction" includes, without limitation, developed or undeveloped film and video tape or other visual unaltered reproductions by computer.

(e) "Computer" has the meaning given in Title 18, United States Code, Section 1030.

(f) "Simulated" means any depicting of the genitals or rectal areas that gives the appearance of sexual conduct or incipient sexual conduct.

SECTION 18. Section 99-1-5, Mississippi Code of 1972, as amended by House Bill No. 709, 2013 Regular Session, is amended as follows:

99-1-5. The passage of time shall never bar prosecution against any person for the offenses of murder, manslaughter, aggravated assault, aggravated domestic violence, kidnapping, arson, burglary, forgery, counterfeiting, robbery, larceny, rape, embezzlement, obtaining money or property under false pretenses or by fraud, felonious abuse or battery of a child as described in Section 97-5-39, touching or handling a child for lustful purposes as described in Section 97-5-23, sexual battery of a child as described in Section 97-3-95(1)(c),

(d) or (2), * * * exploitation of children as described in Section 97-5-33, promoting prostitution under Section 97-29-51(2) when the person involved is a minor, or any human trafficking offense as described in Section 97-3-54.1(1)(a), (1)(b) or (1)(c), 97-3-54.2 or 97-3-54.3. A person shall not be prosecuted for conspiracy, as described in Section 97-1-1, for felonious assistance-program fraud, as described in Section 97-19-71, or for felonious abuse of vulnerable persons, as described in Sections 43-47-18 and 43-47-19, unless the prosecution for the offense is commenced within five (5) years next after the commission thereof. A person shall not be prosecuted for larceny of timber as described in Section 97-17-59, unless the prosecution for the offense is commenced within six (6) years next after the commission thereof. A person shall not be prosecuted for any other offense not listed in this section unless the prosecution for the offense is commenced within two (2) years next after the commission thereof. Nothing contained in this section shall bar any prosecution against any person who shall abscond or flee from justice, or shall absent himself from this state or out of the jurisdiction of the court, or so conduct himself that he cannot be found by the officers of the law, or that process cannot be served upon him.

SECTION 19. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 709

Description: Domestic violence law; revise.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 565

History of Actions:

- | | | | |
|--------|-------|-----|--|
| 1 | 01/21 | (H) | Referred To Judiciary B |
| 2 | 02/05 | (H) | Title Suff Do Pass |
| 3 | 02/13 | (H) | Read the Third Time |
| 4 | 02/14 | (H) | Passed {Vote} |
| 5 | 02/15 | (H) | Transmitted To Senate |
| 6 | 02/19 | (S) | Referred To Judiciary, Division B |
| 7 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 8 | 03/12 | (S) | Amended |
| 9 | 03/12 | (S) | Passed As Amended {Vote} |
| 10 | 03/13 | (S) | Returned For Concurrence |
| 11 | 03/15 | (H) | Decline to Concur/Invite Conf |
| 12 | 03/25 | (H) | Conferees Named Buck (72nd), Lane, Smith |
| (27th) | | | |
| 13 | 03/29 | (S) | Conferees Named Bryan, Wiggins, Hopson |
| 14 | 04/01 | (S) | Conference Report Filed |
| 15 | 04/01 | (H) | Conference Report Filed |
| 16 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 17 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 18 | 04/09 | (S) | Enrolled Bill Signed |
| 19 | 04/09 | (H) | Enrolled Bill Signed |
| 20 | 04/25 | | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 709

Conference Reports:

| Conference Report

Code Section: A 097-0003-0007, A 099-0001-0005

----- **Additional Information** -----

House Committee: Judiciary B

Senate Committee: Judiciary, Division B

Principal Author: Buck (72nd)

Additional Authors: Buck (5th)

Title: AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO CLARIFY THE ELEMENTS OF THE OFFENSES OF AGGRAVATED AND SIMPLE DOMESTIC VIOLENCE, TO REVISE THE PUNISHMENT THEREFOR, AND TO REVISE THE WAY IN WHICH ESCALATED PUNISHMENT FOR A THIRD OR SUBSEQUENT SUCH OFFENSE IS CALCULATED; TO AMEND SECTION 99-1-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 673, 2013 REGULAR SESSION, TO REVISE THE STATUTE OF LIMITATIONS AGAINST CERTAIN DOMESTIC VIOLENCE AND HUMAN TRAFFICKING OFFENSES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 709

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representatives Buck (72nd), Buck (5th)

House Bill 709
(As Sent to Governor)

AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO CLARIFY THE ELEMENTS OF THE OFFENSES OF AGGRAVATED AND SIMPLE DOMESTIC VIOLENCE, TO REVISE THE PUNISHMENT THEREFOR, AND TO REVISE THE WAY IN WHICH ESCALATED PUNISHMENT FOR A THIRD OR SUBSEQUENT SUCH OFFENSE IS CALCULATED; TO AMEND SECTION 99-1-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 673, 2013 REGULAR SESSION, TO REVISE THE STATUTE OF LIMITATIONS AGAINST CERTAIN DOMESTIC VIOLENCE AND HUMAN TRAFFICKING OFFENSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-3-7, Mississippi Code of 1972, is amended as follows:

97-3-7. (1) (a) A person is guilty of simple assault if he (i) attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; (ii) negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) attempts by physical menace to put another in fear of imminent serious bodily harm; and, upon conviction, he shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.

(b) However, a person convicted of simple assault (i) upon a statewide elected official, law enforcement officer, fireman, emergency medical personnel, public health personnel, social worker or family protection specialist or family protection worker employed by the Department of Human Services or another agency, youth detention center personnel, training school juvenile care worker, any county or municipal jail officer, superintendent, principal, teacher or other instructional personnel, school attendance officer, school bus driver, or a judge of a circuit, chancery, county, justice, municipal or youth court or a judge of the Court of Appeals or a justice of the Supreme Court, district attorney, legal assistant to a

district attorney, county prosecutor, municipal prosecutor, court reporter employed by a court, court administrator, clerk or deputy clerk of the court, or public defender, while such statewide elected official, judge or justice, law enforcement officer, fireman, emergency medical personnel, public health personnel, social worker, family protection specialist, family protection worker, youth detention center personnel, training school juvenile care worker, any county or municipal jail officer, superintendent, principal, teacher or other instructional personnel, school attendance officer, school bus driver, district attorney, legal assistant to a district attorney, county prosecutor, municipal prosecutor, court reporter employed by a court, court administrator, clerk or deputy clerk of the court, or public defender is acting within the scope of his duty, office or employment; (ii) upon a legislator while the Legislature is in regular or extraordinary session or while otherwise acting within the scope of his duty, office or employment; or (iii) upon a person who is sixty-five (65) years of age or older or a person who is a vulnerable adult, as defined in Section 43-47-5, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than five (5) years, or both.

(2) (a) A person is guilty of aggravated assault if he (i) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; (ii) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section 63-3-615; and, upon conviction, he shall be punished by imprisonment in the county jail for not more than one (1) year or in the Penitentiary for not more than twenty (20) years.

(b) However, a person convicted of aggravated assault (i) upon a statewide elected official, law enforcement officer, fireman, emergency medical personnel, public health personnel, social worker, family protection specialist, family protection worker employed by the Department of Human Services or another agency, youth detention center personnel, training school juvenile care worker, any county or municipal jail officer,

superintendent, principal, teacher or other instructional personnel, school attendance officer, school bus driver, or a judge of a circuit, chancery, county, justice, municipal or youth court or a judge of the Court of Appeals or a justice of the Supreme Court, district attorney, legal assistant to a district attorney, county prosecutor, municipal prosecutor, court reporter employed by a court, court administrator, clerk or deputy clerk of the court, or public defender, while such statewide elected official, judge or justice, law enforcement officer, fireman, emergency medical personnel, public health personnel, social worker, family protection specialist, family protection worker, youth detention center personnel, training school juvenile care worker, any county or municipal jail officer, superintendent, principal, teacher or other instructional personnel, school attendance officer, school bus driver, district attorney, legal assistant to a district attorney, county prosecutor, municipal prosecutor, court reporter employed by a court, court administrator, clerk or deputy clerk of the court, or public defender is acting within the scope of his duty, office or employment; (ii) upon a legislator while the Legislature is in regular or extraordinary session or while otherwise acting within the scope of his duty, office or employment; or (iii) upon a person who is sixty-five (65) years of age or older or a person who is a vulnerable adult, as defined in Section 43-47-5, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than thirty (30) years, or both.

(3) (a) A person is guilty of simple domestic violence who: * * *

(i) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another;

(ii) Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or

(iii) Attempts by physical menace to put another in fear of imminent serious bodily harm when the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has

a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child.

(b) Upon conviction, the defendant shall be punished * * * by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both, except that upon a third or subsequent conviction of simple domestic violence under this section or a substantially similar law of another state, of the United States, or of a federally recognized Native American tribe, whether against the same or another victim * * *, the defendant shall be guilty of a felony and sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years. In determining the number of prior simple domestic violence convictions for purposes of imposing punishment under this section, the court shall disregard any conviction occurring more than seven (7) years before the simple domestic violence offense in question.

(c) In sentencing, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred.

(4) (a) A person is guilty of aggravated domestic violence who: * * *

(i) Attempts to cause serious bodily injury to another, or causes such an injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;

(ii) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or

(iii) Strangles, or attempts to strangle a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child.

(b) Upon conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for not less than two (2) years nor more than twenty (20) years * * *, except that, upon a third or subsequent conviction of aggravated domestic violence, whether against the same or another victim * * *, the defendant shall be guilty of a felony and sentenced to a term of imprisonment of not less than ten (10) nor more than twenty (20) years. In determining the number of prior aggravated domestic violence convictions for purposes of imposing punishment under this section, the court shall disregard all such convictions occurring more than seven (7) years before to the aggravated domestic violence offense in question.

(c) In sentencing, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred.

(d) Reasonable discipline of a child, such as spanking, is not an offense under this subsection (4).

(e) A person convicted of aggravated domestic violence shall not be eligible for parole under the provisions of Section 47-7-3(1)(c) until he shall have served one (1) year of his sentence.

(5) For the purposes of this section * * *:

(a) "Strangle" means to restrict the flow of oxygen or blood by intentionally applying pressure on the neck, * * * throat or chest of another person by any means or to intentionally block the nose or mouth of another person by any means.

(* * *b) "Dating relationship" means a social relationship as defined in Section 93-21-3.

(6) Every conviction of domestic violence may require as a condition of any suspended sentence that the defendant participate in counseling or treatment to bring about the cessation of domestic abuse. The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.

(7) When investigating allegations of a violation of subsection (3) or (4) of this section, law enforcement officers shall utilize the form prescribed for such purposes by the Office of the Attorney General in consultation with the sheriff's and police chief's associations. However, failure of law enforcement to utilize the uniform offense report shall not be a defense to a crime charged under subsection (3) or (4) of this section.

(8) In any conviction of assault as described in any subsection of this section which arises from an incident of domestic violence, the sentencing order shall include the designation "domestic violence." The court clerk shall enter the disposition of the matter into the corresponding uniform offense report.

SECTION 2. Section 99-1-5, Mississippi Code of 1972, as amended by House Bill No. 673, 2013 Regular Session, is amended as follows:

99-1-5. The passage of time shall never bar prosecution against any person for the offenses of murder, manslaughter, aggravated assault, aggravated domestic violence, kidnapping, arson, burglary, forgery, counterfeiting, robbery, larceny, rape, embezzlement, obtaining money or property under false pretenses or by fraud, felonious abuse or battery of a child as described in Section 97-5-39, touching or handling a child for lustful purposes as described in Section 97-5-23, sexual battery of a child as described in Section 97-3-95(1)(c), (d) or (2), * * * exploitation of children as described in Section 97-5-33, promoting prostitution under Section 97-29-51(2) when the person involved is a minor, or for any human trafficking offense described in Section 97-3-54.1(1)(a), (1)(b) or (1)(c), Section 97-3-54.2, or Section 93-3-54.3. A person shall not be prosecuted for conspiracy, as described in Section 97-1-1, for felonious assistance-program fraud, as described in Section 97-19-71, or for felonious abuse of vulnerable persons, as described in Sections 43-47-18 and 43-47-19, unless the prosecution for the offense is commenced within five (5) years next after the commission thereof. A person shall not be prosecuted for larceny of timber as described in Section 97-17-59, unless the prosecution for the offense is commenced within six (6) years next after the commission thereof. A person shall not be prosecuted for any other offense not listed in this section unless the

prosecution for the offense is commenced within two (2) years next after the commission thereof. Nothing contained in this section shall bar any prosecution against any person who shall abscond or flee from justice, or shall absent himself from this state or out of the jurisdiction of the court, or so conduct himself that he cannot be found by the officers of the law, or that process cannot be served upon him.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 716

Description: School district consolidation; require in certain county.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: VRA** See Text

Chapter Number: 572

History of Actions:

- | | | | |
|----|-------|-----|--|
| 1 | 01/21 | (H) | Referred To Education |
| 2 | 01/31 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 02/05 | (H) | Read the Third Time |
| 4 | 02/13 | (H) | Committee Substitute Adopted |
| 5 | 02/13 | (H) | Passed {Vote} |
| 6 | 02/15 | (H) | Transmitted To Senate |
| 7 | 02/20 | (S) | Referred To Education |
| 8 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 9 | 03/12 | (S) | Amended |
| 10 | 03/12 | (S) | Passed As Amended {Vote} |
| 11 | 03/14 | (S) | Returned For Concurrence |
| 12 | 03/18 | (H) | Decline to Concur/Invite Conf |
| 13 | 03/25 | (H) | Conferees Named Moore,Chism,Barker |
| 14 | 03/29 | (S) | Conferees Named Tollison,Collins,Smith |
| 15 | 04/01 | (S) | Conference Report Filed |
| 16 | 04/01 | (H) | Conference Report Filed |
| 17 | 04/03 | (H) | Conference Report Adopted {Vote} |
| 18 | 04/03 | (S) | Conference Report Adopted {Vote} |
| 19 | 04/10 | (H) | Enrolled Bill Signed |
| 20 | 04/10 | (S) | Enrolled Bill Signed |
| 21 | 04/25 | | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 716

Conference Reports:
| Conference Report

Code Section: A 037-0007-0103

----- **Additional Information** -----

House Committee: Education

Senate Committee: Education

Principal Author: Barker

Title: AN ACT TO ESTABLISH A COMMISSION ON STARKVILLE CONSOLIDATED SCHOOL DISTRICT STRUCTURE TO MAKE RECOMMENDATIONS TO THE 2014 REGULAR SESSION OF THE LEGISLATURE REGARDING THE METHOD FOR CONSOLIDATING THE COUNTY INTO ONE SCHOOL DISTRICT WITH ONE LOCAL SCHOOL BOARD; TO PROVIDE THAT IN OKTIBBEHA COUNTY THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE DESIGNATED AS STARKVILLE CONSOLIDATED SCHOOL DISTRICT, WHICH SHALL BE A COUNTYWIDE MUNICIPAL SEPARATE SCHOOL DISTRICT EFFECTIVE JULY 1, 2015; TO PROVIDE THAT UNTIL SUCH TIME CONSOLIDATION BECOMES EFFECTIVE, THE OKTIBBEHA COUNTY SCHOOL DISTRICT SHALL REMAIN UNDER CONSERVATORSHIP OF THE MISSISSIPPI RECOVERY SCHOOL DISTRICT; TO PROVIDE FOR THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE NEW STARKVILLE CONSOLIDATED SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL DISTRICT FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS AND THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM ACCOUNTABILITY AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW STUDENT POPULATION; TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 716

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education

By: Representative Barker

House Bill 716

(As Sent to Governor)

AN ACT TO ESTABLISH A COMMISSION ON STARKVILLE CONSOLIDATED SCHOOL DISTRICT STRUCTURE TO MAKE RECOMMENDATIONS TO THE 2014 REGULAR SESSION OF THE LEGISLATURE REGARDING THE METHOD FOR CONSOLIDATING THE COUNTY INTO ONE SCHOOL DISTRICT WITH ONE LOCAL SCHOOL BOARD; TO PROVIDE THAT IN OKTIBBEHA COUNTY THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE DESIGNATED AS STARKVILLE CONSOLIDATED SCHOOL DISTRICT, WHICH SHALL BE A COUNTYWIDE MUNICIPAL SEPARATE SCHOOL DISTRICT EFFECTIVE JULY 1, 2015; TO PROVIDE THAT UNTIL SUCH TIME CONSOLIDATION BECOMES EFFECTIVE, THE OKTIBBEHA COUNTY SCHOOL DISTRICT SHALL REMAIN UNDER CONSERVATORSHIP OF THE MISSISSIPPI RECOVERY SCHOOL DISTRICT; TO PROVIDE FOR THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE NEW STARKVILLE CONSOLIDATED SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL DISTRICT FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS AND THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM ACCOUNTABILITY AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW STUDENT POPULATION; TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is hereby created and established an advisory council to be known as the Commission on Starkville Consolidated School District Structure. It shall be the responsibility of the Commission on Starkville Consolidated School District Structure to review the current structure of the school districts and schools in Starkville, Mississippi,

and in Oktibbeha County, Mississippi, and make recommendations on future actions of the provision and transition of service of the newly consolidated school district in order to improve both the quality of education and the efficiency with which it is delivered. The commission shall not decide the issue of whether or not the districts shall be consolidated. The commission shall be composed of seven (7) members as follows:

(a) The State Superintendent of Education, or his designee, who shall serve as Chairman of the Commission;

(b) Three (3) representatives of the Starkville School District appointed by the Board of Trustees of the Starkville School District and who may be members of the board or the Superintendent of Schools;

(c) One (1) resident of the former Oktibbeha County School District to be appointed by the State Superintendent of Education;

(d) The Conservator for the Oktibbeha County School District appointed by the State Board of Education; and

(e) One (1) representative of Mississippi State University appointed by the President of Mississippi State University.

The Commission on Starkville Consolidated School District Structure shall meet within thirty (30) days of passage of this act upon the call of the State Superintendent of Education and shall hold hearings and meet as necessary and develop a report to the Legislature, the Governor and the State Board of Education on or before March 1, 2014, with recommendations to accomplish the following:

(a) Review the current structure of school districts and the location of schools in Starkville, Mississippi, and Oktibbeha County, Mississippi, and recommend how they can be consolidated into one (1) school district in order to improve both the quality of education and the efficiency at which it is delivered.

(b) Review the capital facility needs of both school districts and recommend methods of financing necessary improvements, including the possibility of pledging Mississippi Adequate Education Program funds for capital improvement purposes.

(c) Detail in the report how best to implement consolidation and make any other recommendations on how to

maximize education quality in Starkville and Oktibbeha County while eliminating duplicative and wasteful administrative spending.

(d) The commission shall also be authorized to recommend that portions of the Oktibbeha County School District be merged into districts in adjoining counties.

The commission shall have the authority to raise and to expend nonstate funds. The State Department of Education shall provide staff and such other support as the commission deems appropriate. After submitting its report on or before March 1, 2014, the commission shall be dissolved.

SECTION 2. (1) In Oktibbeha County, Mississippi, in which are located, as of January 1, 2013, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new countywide municipal separate school district to be designated as Starkville Consolidated School District which shall consist of the territory of the former Oktibbeha County School District and the Starkville School District, effective on July 1, 2015. Until June 30, 2015, preceding the effective date of the required administrative consolidation of school districts in the county, the Oktibbeha County School District shall remain in conservatorship, under the authority and control of the Mississippi Recovery School District of the State Department of Education. At such time that the administrative consolidation becomes effective, the central administrative office of the Starkville Consolidated School District shall be located in Starkville, Mississippi.

(2) On or before July 1, 2014, the State Board of Education shall serve the local school board of the Starkville School District with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. In the new consolidated school district there shall be a countywide municipal separate school district board of trustees, which shall consist of the existing members of the Board of Trustees of the Starkville School District serving as a member on July 1, 2015. However, upon the first occurrence of a vacancy on the board as a result of an expired term of an appointed board member, that vacancy shall become an elected position and shall be filled by the election of a board member by the county board of supervisors in the manner prescribed in Section 37-7-203(1) for the

election of a member who resides outside of the incorporated municipal limits. The Board of Supervisors of Oktibbeha County shall thereafter publish the same in some newspaper of general circulation in the county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school boards of each school district in the county. Any school district affected by the required administrative consolidation in the county that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective immediately upon action of the State Board of Education. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) consolidated school district by July 1 following the motion to consolidate. The affected school districts shall comply with any consolidation order issued by the State Board of Education.

(3) On July 1, 2015, following the motion of State Board of Education to consolidate school districts in Oktibbeha County, the Oktibbeha County School District shall be abolished. All real and personal property which is owned or titled in the name of the school district located in such former school district shall be transferred to the Starkville Consolidated School District. The Board of Trustees of the Starkville Consolidated School District shall be responsible for establishing the contracts for teachers, principals, clerical and administrative staff personnel for the 2015-2016 school year and thereafter and shall consult with the conservator for the establishment of contracts for teachers, principals, clerical and administrative staff personnel located in the former Oktibbeha County School District for the 2015-2016 school year. The superintendent and assistant superintendent(s) of schools of the former Starkville School District shall continue to serve in like administrative capacities of the Starkville Consolidated School District, but in no instance shall the administrative leadership of the Starkville Consolidated School District exceed three (3) assistant superintendents to be appointed by the superintendent of the former Starkville School District. No superintendent serving in the former school district located in the county

designated as an under-performing school district or placed under conservatorship shall be eligible for appointment as a superintendent or assistant superintendent in the Starkville Consolidated School District. Likewise, no trustee serving in the former school district located in the county designated as an under-performing school district or placed under conservatorship shall be eligible for election to the new Board of Trustees of the Starkville Consolidated School District. It shall be the responsibility of the board of trustees to prepare and approve the budget of the respective new reorganized district, and the board of trustees may use staff from the former school district to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation.

(4) Nothing in this section shall be construed to require the closing of any school or school facility, unless the facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section. All administrative consolidations under this section shall be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county pursuant to court order.

(5) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Oktibbeha County pursuant to this section. The consolidated districts shall make an election within one (1) year of consolidation concerning the group term life insurance described in Section 25-15-9(7).

(6) For the initial three (3) years following the administrative consolidation required by this section, the State Department of Education shall grant a waiver of accountability and state assessment requirements to the Starkville Consolidated School District for the student population enrolled therein from the former Oktibbeha County School District when determining the new consolidated school district accreditation level on the performance and accountability rating model.

(7) The governing school board and superintendent of schools of the Starkville Public School District shall collaborate

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with the State Department of Education and the appointed conservator of the Oktibbeha County School District, as soon as practicable after the effective date of this act, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

SECTION 3. Section 37-7-103, Mississippi Code of 1972, is amended as follows:

37-7-103. From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104 * * * or Section 2 of this act shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

SECTION 4. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 5. Sections 2 through 5 of this act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

SECTION 6. Section 1 of this act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 719

Description: MS Individual On-Site Wastewater Disposal System Law; extend repealer on and revise various provisions of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 513

History of Actions:

1	01/21	(H) Referred To Public Health and Human Services
2	01/29	(H) Title Suff Do Pass Comm Sub
3	02/01	(H) Committee Substitute Adopted
4	02/01	(H) Passed {Vote}
5	02/05	(H) Transmitted To Senate
6	02/12	(S) Referred To Public Health and Welfare
7	02/27	(S) Title Suff Do Pass As Amended
8	03/07	(S) Amended
9	03/07	(S) Passed As Amended {Vote}
10	03/07	(S) Motion to Reconsider Entered
11	03/14	(S) Motion to Reconsider Tabled
12	03/14	(S) Returned For Concurrence.
13	03/19	(H) Decline to Concur/Invite Conf
14	03/25	(H) Conferees Named Mims, Barker, Lott
15	03/26	(S) Conferees Named Kirby, Burton, Smith
16	03/28	(S) Conference Report Filed
17	03/28	(H) Conference Report Filed
18	03/29	(H) Conference Report Adopted {Vote}
19	04/02	(S) Conference Report Adopted {Vote}
20	04/09	(S) Enrolled Bill Signed
21	04/09	(H) Enrolled Bill Signed
22	04/23	Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 719

Conference Reports:

Conference Report

Code Section: RA 041-0067-0001, RA 041-0067-0002, RA 041-0067-0003, RA 041-0067-0004, RA 041-0067-0005, RA 041-0067-0006, RA 041-0067-0007, RA 041-0067-0009, RA 041-0067-0010, RA 041-0067-0011, RA 041-0067-0012, R 041-0067-0015, RA 041-0067-0019, RA 041-0067-0021, RA 041-0067-0023, RA 041-0067-0025, RA 041-0067-0027, RA 041-0067-0028, R 041-0067-0029, RA 041-0067-0033, RP 041-0067-0035, RA 041-0067-0037, RA 041-0067-0039, A 041-0067-0031

----- **Additional Information** -----

House Committee: Public Health and Human Services

Senate Committee: Public Health and Welfare

Principal Author: Mims

Title: AN ACT TO REENACT SECTIONS 41-67-1 THROUGH 41-67-29 AND 41-67-33 THROUGH 41-67-39, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI INDIVIDUAL ON-SITE WASTEWATER DISPOSAL LAW; TO AMEND REENACTED SECTION 41-67-2, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND REENACTED SECTION 41-67-3, MISSISSIPPI CODE OF 1972, TO REVISE THE GENERAL POWERS AND DUTIES OF THE STATE BOARD OF HEALTH AND THE STATE DEPARTMENT OF HEALTH REGARDING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS; TO AMEND REENACTED SECTION 41-67-4, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF THE DEPARTMENT FOR DETERMINING THE FEASIBILITY OF ESTABLISHING CENTRALIZED WASTEWATER TREATMENT SYSTEMS; TO AMEND REENACTED SECTION 41-67-5, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE PROHIBITING PUBLIC UTILITIES SUPPLYING WATER FROM MAKING CONNECTION TO ANY RESIDENCE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DEPARTMENT CERTIFYING THAT THE PLAN FOR THE SEWAGE TREATMENT AND DISPOSAL SYSTEM AT THE LOCATION OF THE PROPERTY COMPLIES WITH THIS LAW; TO AMEND REENACTED SECTION 41-67-6, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE THAT THIS LAW DOES NOT PRECLUDE A CERTIFIED PROFESSIONAL EVALUATOR OR LICENSED PROFESSIONAL ENGINEER FROM PROVIDING SERVICES RELATING TO THE DESIGN OF AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM TO COMPLY WITH THIS LAW; TO INCLUDE THE CURRENT LANGUAGE REQUIRING THAT ALL REGULATIONS SHALL BE APPLIED UNIFORMLY IN ALL AREAS OF THE STATE AND SHALL TAKE INTO CONSIDERATION AND MAKE PROVISION FOR DIFFERENT TYPES OF SOIL IN THE STATE WHEN PERFORMING SOIL AND SITE EVALUATIONS; TO AMEND REENACTED SECTION 41-67-7, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE THAT APPROVAL OF THE DESIGN, CONSTRUCTION

OR INSTALLATION OF AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM BY THE DEPARTMENT IS REQUIRED, AND THE CURRENT LANGUAGE SPECIFYING THE PROCEDURE FOR OBTAINING DEPARTMENT APPROVAL; TO REVISE THE REQUIREMENTS FOR WHEN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS WILL BE CONSIDERED ACCEPTABLE; TO INCLUDE THE CURRENT LANGUAGE ON THE PROCEDURE FOR A FINAL APPROVAL REQUEST BY THE PROPERTY OWNER AFTER CONSTRUCTION OR INSTALLATION OF AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM; TO INCLUDE THE CURRENT LANGUAGE AUTHORIZING THE BOARD TO LEVY AN ADMINISTRATIVE FINE IF A PERSON OR CERTIFIED INSTALLER FAILS TO OBTAIN FINAL APPROVAL OR SUBMIT AN AFFIDAVIT OF PROPER INSTALLATION TO THE DEPARTMENT IN THE INSTALLATION OF THE SYSTEM; TO INCLUDE THE CURRENT LANGUAGE THAT REQUIRES THE PROPERTY OWNER TO KEEP A CONTINUING MAINTENANCE AGREEMENT WITH A CERTIFIED INSTALLER OR QUALIFIED HOMEOWNER MAINTENANCE PROVIDER ON ALL ADVANCED TREATMENT SYSTEMS IN PERPETUITY; TO AMEND REENACTED SECTION 41-67-9, MISSISSIPPI CODE OF 1972, TO GRANDFATHER IN ALL EXISTING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS ON JULY 1, 2014, UNTIL A VALID COMPLAINT IS REGISTERED OR UNTIL A PROPERTY OWNER REQUESTS AN INSPECTION BY THE DEPARTMENT; TO REVISE THE REQUIREMENTS FOR EXISTING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS TO BE CONSIDERED ACCEPTABLE; TO AMEND REENACTED SECTION 41-67-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ADVANCED TREATMENT SYSTEMS MAY BE INSTALLED ONLY IF THEY HAVE BEEN TESTED AND ARE LISTED BY AN AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) THIRD-PARTY CERTIFYING PROGRAM AT THE TIME OF INSTALLATION; TO AMEND REENACTED SECTION 41-67-11, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS GOVERNING WHEN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS MAY BE APPROVED IN AN AREA WHERE INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS OTHERWISE WOULD NOT BE APPROVED BECAUSE OF THE AVAILABILITY OR FEASIBILITY OF CONNECTION TO A CENTRALIZED WASTEWATER TREATMENT SYSTEM; TO AMEND REENACTED SECTION 41-67-12, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A FEE FOR ANNUAL CERTIFICATION OF PUMPER; TO AMEND REENACTED SECTION 41-67-21, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE REGARDING THE REQUIREMENTS FOR REPAIRING AN EXISTING RESIDENTIAL INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM THAT IS MALFUNCTIONING AND DELETE THE CURRENT LANGUAGE REQUIRING REPLACEMENT OF THE SYSTEM; TO CONFORM THE MAXIMUM AMOUNT OF THE CIVIL PENALTIES AUTHORIZED FOR MALFUNCTIONING SYSTEMS; TO AMEND REENACTED SECTION 41-67-27, MISSISSIPPI CODE OF 1972, TO REQUIRE REGISTRATION OF MANUFACTURERS OF COMPONENTS USED IN AN INDIVIDUAL ON-SITE

WASTEWATER DISPOSAL SYSTEM; TO AMEND REENACTED SECTION 41-67-33, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE REGARDING THE PROCEDURE BY WHICH HOMEOWNERS MAY OBTAIN A VARIANCE FOR A PROPOSED WASTEWATER TREATMENT SYSTEM FROM THE DEPARTMENT BY SHOWING THAT THE PROPOSED SYSTEM WILL PROPERLY TREAT AND MAINTAIN WASTEWATER ON THE PROPERTY; TO REPEAL SECTION 41-67-35, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS A PERSON FROM OPERATING AS A MAINTENANCE PROVIDER UNLESS THE PERSON IS CERTIFIED AS ONE BY THE DEPARTMENT OR IS A CERTIFIED INSTALLER; TO AMEND REENACTED SECTION 41-67-39, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS FOR CERTIFICATION AS A PUMPER; TO CREATE NEW SECTION 41-67-41, MISSISSIPPI CODE OF 1972, TO CREATE THE WASTEWATER ADVISORY COUNCIL FOR THE PURPOSE OF ADVISING THE DEPARTMENT REGARDING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS; TO AMEND SECTION 41-67-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI INDIVIDUAL ON-SITE WASTEWATER DISPOSAL LAW; TO AMEND REENACTED SECTIONS 41-67-1, 41-67-19, 41-67-23, 41-67-25, 41-67-28 AND 41-67-37, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 719

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Human Services

By: Representative Mims

House Bill 719

(As Sent to Governor)

AN ACT TO REENACT SECTIONS 41-67-1 THROUGH 41-67-29 AND 41-67-33 THROUGH 41-67-39, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI INDIVIDUAL ON-SITE WASTEWATER DISPOSAL LAW; TO AMEND REENACTED SECTION 41-67-2, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND REENACTED SECTION 41-67-3, MISSISSIPPI CODE OF 1972, TO REVISE THE GENERAL POWERS AND DUTIES OF THE STATE BOARD OF HEALTH AND THE STATE DEPARTMENT OF HEALTH REGARDING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS; TO AMEND REENACTED SECTION 41-67-4, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF THE DEPARTMENT FOR DETERMINING THE FEASIBILITY OF ESTABLISHING CENTRALIZED WASTEWATER TREATMENT SYSTEMS; TO AMEND REENACTED SECTION 41-67-5, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE PROHIBITING PUBLIC UTILITIES SUPPLYING WATER FROM MAKING CONNECTION TO ANY RESIDENCE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DEPARTMENT CERTIFYING THAT THE PLAN FOR THE SEWAGE TREATMENT AND DISPOSAL SYSTEM AT THE LOCATION OF THE PROPERTY COMPLIES WITH THIS LAW; TO AMEND REENACTED SECTION 41-67-6, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE THAT THIS LAW DOES NOT PRECLUDE A CERTIFIED PROFESSIONAL EVALUATOR OR LICENSED PROFESSIONAL ENGINEER FROM PROVIDING SERVICES RELATING TO THE DESIGN OF AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM TO COMPLY WITH THIS LAW; TO INCLUDE THE CURRENT LANGUAGE REQUIRING THAT ALL REGULATIONS SHALL BE APPLIED UNIFORMLY IN ALL AREAS OF THE STATE AND SHALL TAKE INTO CONSIDERATION AND MAKE PROVISION FOR DIFFERENT TYPES OF SOIL IN THE STATE WHEN PERFORMING SOIL AND SITE EVALUATIONS; TO AMEND REENACTED SECTION 41-67-7, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE THAT APPROVAL OF THE DESIGN, CONSTRUCTION OR INSTALLATION OF AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM BY THE DEPARTMENT IS REQUIRED, AND THE CURRENT LANGUAGE SPECIFYING THE PROCEDURE FOR OBTAINING DEPARTMENT APPROVAL; TO REVISE THE REQUIREMENTS FOR WHEN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS WILL BE CONSIDERED ACCEPTABLE; TO INCLUDE THE CURRENT LANGUAGE ON

THE PROCEDURE FOR A FINAL APPROVAL REQUEST BY THE PROPERTY OWNER AFTER CONSTRUCTION OR INSTALLATION OF AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM; TO INCLUDE THE CURRENT LANGUAGE AUTHORIZING THE BOARD TO LEVY AN ADMINISTRATIVE FINE IF A PERSON OR CERTIFIED INSTALLER FAILS TO OBTAIN FINAL APPROVAL OR SUBMIT AN AFFIDAVIT OF PROPER INSTALLATION TO THE DEPARTMENT IN THE INSTALLATION OF THE SYSTEM; TO INCLUDE THE CURRENT LANGUAGE THAT REQUIRES THE PROPERTY OWNER TO KEEP A CONTINUING MAINTENANCE AGREEMENT WITH A CERTIFIED INSTALLER OR QUALIFIED HOMEOWNER MAINTENANCE PROVIDER ON ALL ADVANCED TREATMENT SYSTEMS IN PERPETUITY; TO AMEND REENACTED SECTION 41-67-9, MISSISSIPPI CODE OF 1972, TO GRANDFATHER IN ALL EXISTING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS ON JULY 1, 2014, UNTIL A VALID COMPLAINT IS REGISTERED OR UNTIL A PROPERTY OWNER REQUESTS AN INSPECTION BY THE DEPARTMENT; TO REVISE THE REQUIREMENTS FOR EXISTING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS TO BE CONSIDERED ACCEPTABLE; TO AMEND REENACTED SECTION 41-67-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ADVANCED TREATMENT SYSTEMS MAY BE INSTALLED ONLY IF THEY HAVE BEEN TESTED AND ARE LISTED BY AN AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) THIRD-PARTY CERTIFYING PROGRAM AT THE TIME OF INSTALLATION; TO AMEND REENACTED SECTION 41-67-11, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS GOVERNING WHEN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS MAY BE APPROVED IN AN AREA WHERE INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS OTHERWISE WOULD NOT BE APPROVED BECAUSE OF THE AVAILABILITY OR FEASIBILITY OF CONNECTION TO A CENTRALIZED WASTEWATER TREATMENT SYSTEM; TO AMEND REENACTED SECTION 41-67-12, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A FEE FOR ANNUAL CERTIFICATION OF PUMPER; TO AMEND REENACTED SECTION 41-67-21, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE REGARDING THE REQUIREMENTS FOR REPAIRING AN EXISTING RESIDENTIAL INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM THAT IS MALFUNCTIONING AND DELETE THE CURRENT LANGUAGE REQUIRING REPLACEMENT OF THE SYSTEM; TO CONFORM THE MAXIMUM AMOUNT OF THE CIVIL PENALTIES AUTHORIZED FOR MALFUNCTIONING SYSTEMS; TO AMEND REENACTED SECTION 41-67-27, MISSISSIPPI CODE OF 1972, TO REQUIRE REGISTRATION OF MANUFACTURERS OF COMPONENTS USED IN AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM; TO AMEND REENACTED SECTION 41-67-33, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE REGARDING THE PROCEDURE BY WHICH HOMEOWNERS MAY OBTAIN A VARIANCE FOR A PROPOSED WASTEWATER TREATMENT SYSTEM FROM THE

DEPARTMENT BY SHOWING THAT THE PROPOSED SYSTEM WILL PROPERLY TREAT AND MAINTAIN WASTEWATER ON THE PROPERTY; TO REPEAL SECTION 41-67-35, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS A PERSON FROM OPERATING AS A MAINTENANCE PROVIDER UNLESS THE PERSON IS CERTIFIED AS ONE BY THE DEPARTMENT OR IS A CERTIFIED INSTALLER; TO AMEND REENACTED SECTION 41-67-39, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS FOR CERTIFICATION AS A PUMPER; TO CREATE NEW SECTION 41-67-41, MISSISSIPPI CODE OF 1972, TO CREATE THE WASTEWATER ADVISORY COUNCIL FOR THE PURPOSE OF ADVISING THE DEPARTMENT REGARDING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS; TO AMEND SECTION 41-67-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI INDIVIDUAL ON-SITE WASTEWATER DISPOSAL LAW; TO AMEND REENACTED SECTIONS 41-67-1, 41-67-19, 41-67-23, 41-67-25, 41-67-28 AND 41-67-37, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-67-1, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-1. (1) This chapter shall be known and may be cited as the "Mississippi Individual On-Site Wastewater Disposal System Law."

(2) It is the purpose of the Legislature through this chapter to protect human health and the environment while providing for reasonable use of individual on-site wastewater disposal systems. The Legislature finds that continued installation and operation of individual on-site wastewater disposal systems in a faulty or improper manner, in a manner that lacks essential maintenance for the system, or in areas where unsuitable soil and population density adversely affect the efficiency and functioning of these systems, has a detrimental effect on the public health and welfare and the environment through contamination of land, groundwater and surface waters. The Legislature, therefore, expresses a general preference for the installation and operation of centralized * * * wastewater treatment systems in Mississippi, where feasible. The Legislature recognizes, however, that individual on-site wastewater treatment and disposal systems help meet the needs of the state's citizens, especially in rural locations, and can be rendered ecologically safe and protective of the public health if the systems are designed, installed, constructed,

maintained and operated properly. It is the intent of the Legislature to allow the continued installation, use and maintenance of individual on-site wastewater disposal systems in a manner that will not jeopardize public health and welfare or the environment.

SECTION 2. Section 41-67-2, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-2. For purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Advanced treatment * * * system" means an individual on-site wastewater treatment * * * system that * * * complies with Section 47-67-10.

(b)

* * *

"Board" means the Mississippi State Board of Health.

(* * *c) "Centralized* * * wastewater treatment system" means * * * a wastewater collection and treatment system that consists of collection sewers and a centralized treatment facility other than an individual on-site wastewater disposal system.

(* * *d) "Certified installer" means any person who has met the requirements of Section 41-67-25.

(* * *e) "Certified manufacturer" means any person registered with the department who holds a written certification issued by the department allowing the manufacturer to sell on-site wastewater products in the state.

(* * *f) "Certified professional evaluator" means any person who has met the requirements of Section 41-67-37 or a * * * licensed professional engineer.

(* * *g) "Certified pumper" means any person registered with the department who holds a written certification issued by the department allowing the person to engage in the removal and disposal of sludge, grease and waste and who has met the requirements of Section 41-67-39.

(h) "Cluster system" means a wastewater collection and treatment system under some form of common or private ownership and management that provides treatment and dispersal/discharge

of wastewater from two (2) or more homes or buildings but less than a subdivision.

(i) "Conventional system" means an individual on-site wastewater disposal system consisting of a septic tank and subsurface disposal field.

(j) "Department" means the Mississippi State Department of Health.

(k) "Decentralized wastewater treatment system" means any commercial wastewater treatment for fewer than ten (10) lots.

(l) "Effluent" means sewage, water, or other liquid, partially or completely treated or in its natural state, flowing out of a septic tank, advanced treatment system, or other treatment system or system component by the department.

(* * *m) "Final approval" means an issuance of a document from the department stating that a determination has been made by the department that the individual on-site wastewater disposal system* * * recommended/designed has been installed and fulfills all requirements under this chapter or any variance that has been granted by the department.

(* * *n) "Generator" means any person whose act or process produces sewage or other material suitable for disposal in an individual on-site wastewater disposal system.

(* * *o) "Individual on-site wastewater disposal system" means a sewage treatment and effluent disposal system that does not discharge into waters of the state, that serves only one (1) legal tract, that accepts only residential waste and similar waste streams maintained on the property of the generator, and that is designed and installed in accordance with this law and regulations of the board.

(* * *p) "Notice of intent" means notification by an applicant to the department prior to construction and submission of all required information, which is used by the department to* * * initiate the process to evaluate the property for the suitability of an individual on-site wastewater disposal system.

(* * *q) "Performance-based system" means an individual on-site wastewater disposal system designed to meet standards established to designate a level of treatment of wastewater that an individual on-site wastewater disposal system must

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meet, including, but not limited to, biochemical oxygen demand, total suspended solids, nutrient reduction and fecal coliform.

(r) "Permit/recommendation" means that a person has filed a notice of intent with the department and the department has made a determination of the suitability of the property for the use of an individual on-site wastewater disposal system.

(* * *s) "Person" means any individual, trust, firm, joint-stock company, public or private corporation (including a government corporation), partnership, association, state, or any agency or institution thereof, municipality, commission, political subdivision of a state or any interstate body, and includes any officer or governing or managing body of any municipality, political subdivision, or the United States or any officer or employee thereof.

(t) "Plot plan" means a property drawing reflecting property lines, site features (such as ponds, wells, etc.), dwellings and any other intended uses of the property therein including encumbrances.

(* * *u) "Property of the generator" means land owned by or under permanent legal easement or lease to the generator.

(* * *v) "Qualified homeowner * * * maintenance provider" means the current owner of a specific residence where that homeowner resides and where the homeowner has met the requirements of the rules and regulations of the department * * * to provide maintenance for his or her system.

(* * *w) " * * * Licensed professional engineer" means any person who has met the requirements under Section 73-13-23(1) and who has been issued a certificate of registration as a professional engineer.

(x) "Septage" means the liquid, solid, and semisolid material that results from wastewater pretreatment in a septic tank, portable toilet, or grease trap, which must be pumped, hauled, treated and disposed of properly.

(* * *y) "Subdivision" means any tract or combination of adjacent tracts of land that is subdivided into ten (10) or more tracts, sites or parcels for the purpose of commercial or residential development.

SECTION 3. Section 41-67-3, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-3. (1) The * * * board * * * and/or the department shall have the following duties and responsibilities:

(a) To exercise general supervision over the design, * * * installation, operation and maintenance of individual on-site wastewater disposal systems, decentralized wastewater treatment systems and cluster systems;

(b) To adopt, modify, repeal and promulgate rules and regulations, after due notice and hearing, and where not otherwise prohibited by federal or state law, to make exceptions to, to grant exemptions from and to enforce rules and regulations implementing or effectuating the duties of the board under this chapter to protect the public health. The board may grant variances from rules and regulations adopted under this chapter, including requirements for buffer zones, or from setbacks required under Section 41-67-7 where the granting of a variance shall not subject the public to unreasonable health risks or jeopardize environmental resources;

(c) To provide or deny certification for persons engaging in the business for hire of the * * * installation, operation or maintenance of individual on-site wastewater disposal systems and persons engaging in the removal and disposal of the sludge and liquid waste from those systems;

(d) To suspend or revoke certifications issued to persons engaging in the business for hire of the * * * installation, operation or maintenance of individual on-site wastewater disposal systems or persons engaging in the removal and disposal of the sludge and liquid waste from those systems, when it is determined the person has violated this chapter or applicable rules and regulations;

(e) To require the submission of information deemed necessary by the department to determine the suitability of individual lots for individual on-site wastewater disposal systems for the purpose of commercial or residential development; and

(f) To adopt, modify, repeal and promulgate rules and regulations, after due notice and hearing, and where not otherwise prohibited by federal or state law, as necessary to determine the suitability of individual on-site wastewater disposal systems in subdivisions.

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(* * *2) To assure the effective and efficient administration of this chapter, the board shall adopt rules governing the design, construction or installation, operation and maintenance of individual on-site wastewater disposal systems, including rules concerning the:

(a) Review and approval of individual on-site wastewater disposal systems in accordance with Section 41-67-6;

(b) Certification of installers* * *;

(c)* * * Certification of pumpers;

(d) Certification of manufacturers;

(* * *e) Certification of* * * professional evaluators; and

(* * *f) Creation of regulations that authorize the original and any subsequent homeowner to be trained by * * * certified installers as defined in Section 41-67-25(2) or other factory representatives in order to educate the homeowner with the necessary knowledge to provide maintenance to the homeowner's system; no fees shall be charged to the homeowner for such training, thus allowing the homeowner to meet the requirements of Section * * * 41-67-7(5).

(* * *3) In addition, the board shall adopt rules establishing performance standards for individual on-site wastewater disposal systems for single family residential generators and rules concerning the operation and maintenance of individual on-site wastewater disposal systems designed to meet those standards. The performance standards shall be consistent with the federal Clean Water Act, maintaining the wastes on the property of the generator and protection of the public health. Rules for the operation and maintenance of individual on-site wastewater disposal systems designed to meet performance standards shall include rules concerning the following:

(a) A standard application form and requirements for supporting documentation;

(b) Application review;

(c) Approval or denial of authorization for proposed systems;

(d) Requirements, as deemed appropriate by the board, for annual renewal of authorization;

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(e) Enforcement of the requirements and conditions of authorization; and

(f) Inspection, monitoring, sampling and reporting on the performance of the system.

Any system proposed for authorization in accordance with performance standards must be designed and certified by a licensed professional engineer * * * in the State of Mississippi and must be authorized by the * * * department before installation.

(* * *4) To the extent practicable, all rules and regulations adopted under this chapter shall give maximum flexibility to persons installing individual on-site wastewater disposal systems and * * * all options consistent with the federal Clean Water Act, consistent with maintaining the wastes on the property of the generator and consistent with protection of the public health. In addition, all rules and regulations, to the extent practicable, shall encourage the use of economically feasible systems, including * * * all techniques and technologies for individual on-site wastewater disposal.

(* * *5) All regulations shall be applied uniformly in all areas of the state and shall take into consideration and make provision for different types of soil in the state when performing soil and site evaluations.

* * *

SECTION 4. Section 41-67-4, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-4. (1) The * * * department shall determine the feasibility of establishing * * * centralized wastewater treatment systems upon the submission by the developer of a preliminary design and feasibility study prepared by a licensed professional engineer. The developer may request and obtain a hearing before the board if the developer is dissatisfied with the board's determination of feasibility. The determination that a * * * centralized wastewater treatment system must be established shall be made without regard to whether the establishment of a * * * centralized wastewater treatment system is authorized by law or is subject to approval by one or more state or local government or public bodies. Whenever a developer requests a determination of feasibility, the * * * department must make the determination within * * * thirty (30) days after receipt of the preliminary design and

feasibility study from the developer. The * * * department shall state in writing the reasons for its determination. If the * * * department does not make a determination within * * * thirty (30) days, all sites within the subdivision shall be approved, if a certified installer attests or a department environmentalist determines that each site can be adequately served by an individual on-site wastewater disposal system.

(2) Where * * * subdivisions are proposed* * * that are composed of fewer than thirty-five (35) building sites, and no centralized wastewater treatment system* * * is available * * *, the * * * department may waive the requirement for a feasibility study. If the feasibility study is waived, all sites within the subdivision shall be approved, if a certified installer attests or a department environmentalist determines that each site can be adequately served by an individual on-site wastewater disposal system.

(3) No feasibility study or * * * centralized wastewater treatment system shall be required for subdivisions designed, laid out, platted or partially constructed before July 1, 1988, or for any subdivision that was platted and recorded during the period from July 1, 1995, through June 30, 1996.

(4) "Feasibility study" means a written evaluation and analysis of the potential of a proposed project that is based on investigation and research by a licensed professional engineer to give cost comparison between centralized or decentralized treatment and disposal and individual on-site wastewater disposal systems.

SECTION 5. Section 41-67-5, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-5. (1) No owner, lessee or developer shall construct or place any mobile, modular or permanently constructed residence, building or facility, which may require the installation of an individual on-site wastewater disposal system, without having first submitted a notice of intent to the department. Upon receipt of a notice of intent, the department shall provide the owner, lessee or developer with complete information on individual on-site wastewater disposal systems, including, but not limited to, applicable rules and regulations regarding the design, * * * installation, operation and maintenance of individual on-site wastewater disposal systems and known requirements of lending institutions for approval of the systems.

(2) * * * No public utility supplying water shall make connection to any dwelling, house, mobile home or residence without the prior written approval of the department certifying that the plan for the sewage treatment and disposal system at the location of the property complies with this chapter. Connections of water utilities may be made during construction if the department has approved a plan for a sewage treatment and disposal system and the owner of the property has agreed to have the system inspected and approved by the department before the use or occupancy of the property.

(3) The department shall furnish to the county tax assessor or collector, upon request, the name and address of the person submitting a notice of intent and the section, township and range of the lot or tract of land on which the individual on-site wastewater disposal system will be installed.

SECTION 6. Section 41-67-6, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-6. (1) Nothing in this chapter shall preclude a certified professional evaluator or licensed professional engineer from providing services relating to the design of an individual on-site wastewater disposal system to comply with this chapter, except for performance-based systems as specified in Section 41-67-3(3). A certified professional evaluator or licensed professional engineer shall notify the department in writing of those services being provided, including the type of treatment, the type of disposal, and the property address for the treatment and disposal system. Construction or installation shall not begin before authorization by the department. The department shall respond within ten (10) business days with authorization that the certified professional evaluator or licensed professional engineer fulfills the requirements of the law.

(* * *2) Within five (5) working days following receipt of the notice of intent and plot plan by an owner, lessee or developer of any lot or tract of land, the department shall conduct a soil and site evaluation, except in cases where a certified professional evaluator or * * * licensed professional engineer provides services relating to the design, construction or installation of an individual on-site wastewater disposal system to comply with this chapter. All regulations shall be applied uniformly in all areas of the state and shall take into consideration and make provision for different types of

soil in the state when performing soil and site evaluations. Within ten (10) additional working days, the department shall make recommendations to the owner, lessee or developer of the type or types of individual on-site wastewater disposal systems suitable for installation on the lot or tract, unless there are conditions requiring further investigation that are revealed in the initial evaluation. In making recommendations on the type or types of individual on-site wastewater disposal systems suitable for installation on a lot or tract, personnel of the department shall use best professional judgment based on rules and regulations adopted by the board, considering the type or types of systems which are installed and functioning on lots or tracts near the subject lot or tract. To the extent practicable, the recommendations shall give the owner, lessee or developer maximum flexibility and * * * all options consistent with the federal Clean Water Act, consistent with maintaining the wastes on the property of the generator and consistent with protection of the public health. The system or systems recommended shall be environmentally sound and cost-effective. The department, a licensed professional engineer or a certified professional evaluator shall provide complete information, including all applicable requirements and regulations on all systems recommended. The owner, lessee or developer shall have the right to choose among systems. The department shall provide the owner, lessee or developer with a * * * permit/recommendation that specifies all types of individual on-site wastewater disposal systems that are suitable for installation on the lot or tract * * *. * * *

(* * *3) Within thirty (30) days of receipt of a request for determination of suitability of individual on-site wastewater disposal systems in a subdivision, the department shall advise the developer in writing either that all necessary information needed for determination of suitability has been received or state the additional information needed by the department for determination of suitability.

(* * *4) Whenever a developer requests a determination of suitability of individual on-site wastewater disposal systems in a subdivision, the department must make the determination within * * * thirty (30) days after receipt of all necessary information needed for the determination of suitability from the developer. The department shall state in writing the reasons for its determination.

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(* * *5) (a) The certified installer * * * shall notify the department at least twenty-four (24) hours before beginning * * * installation of an individual on-site wastewater disposal system and, at that time, schedule a time for inspection of the system with the appropriate county department of health.

(b) * * * A certified installer, or designated agent thereof, shall not cover his work with soil or other surface material unless the installer has received authorization to cover the system after an inspection by a * * * department * * * environmentalist, or unless a * * * department environmentalist does not arrive for inspection * * * within thirty (30) minutes of the designated and agreed upon time, in which case * * * a certified installer, or designated agent thereof, may submit an affidavit of proper installation to the department for final approval.

(* * *6) A person may not design, construct or install, or cause to be designed, constructed or installed an individual on-site wastewater disposal system that does not comply with this chapter and rules and regulations of the board.

* * *

(* * *7) Any lot or tract that is two (2) acres or larger shall be exempt from the requirements of this chapter and regulations of the department relating to approval of individual on-site wastewater disposal systems by the department, and shall be exempt from the provisions of Section 41-67-5(2), provided that:

(a) All wastewater is contained on the lot or tract;

(b) No * * * watercourse, as defined in Section 51-3-3(h), of Mississippi or the United States is impacted; and

(c) * * * The person who installed the individual on-site wastewater disposal system provides the department with a signed affidavit attesting that the requirements of paragraphs (a) and (b) are met.

SECTION 7. Section 41-67-7, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-7. (1) Approval of the design, construction or installation of an individual on-site wastewater disposal system by the department is required, except as otherwise provided in Section 41-67-6(7). Upon completion of installation of the system, the department shall approve the design, construction

or installation of that system, as requested, if the system is designed, constructed and installed, as the case may be, in accordance with the rules and regulations of the board. Whenever a person requests approval of an individual on-site wastewater disposal system and has met the requirements in subsection (3) of this section, the department must approve or disapprove the request within five (5) working days. If the department disapproves the request, the department shall state in writing the reasons for the disapproval. If the department does not respond to the request within ten (10) calendar days, the request for approval of the individual on-site wastewater disposal system shall be deemed approved.

* * *

(* * *2) Individual on-site wastewater disposal systems * * * shall be considered acceptable, provided the following requirements are met:

(a) * * * Centralized wastewater treatment systems are not available or feasible;

(b) The existing disposal systems in the area are functioning satisfactorily;

(c) Soil types, soil texture, seasonal water tables and other limiting factors are satisfactory for underground absorption; * * *

(d) Any private water supply is located at a higher elevation or it must be properly protected and at least fifty (50) feet from the individual on-site wastewater disposal system and at least one hundred (100) feet from the disposal field of the system* * *; and

* * *

(* * *e) The systems meet applicable water quality requirements of * * * Section 41-67-10.

(3) After construction or installation of the individual on-site wastewater disposal system, the property owner or his agent shall provide a final approval request containing the following to the department:

(a) A signed affidavit from the installer that the system was installed in compliance with all requirements, regulations and permit conditions applicable to the system installed; and

(b) For any advanced treatment system, an affidavit from the property owner agreeing to a continuing maintenance agreement on the installed system at the end of the required manufacturer's maintenance agreement.

(4) If any person or certified installer fails to obtain final approval or submit an affidavit of proper installation to the department in the installation of the system, the board, after due notice and hearing, may levy an administrative fine not to exceed Ten Thousand Dollars (\$10,000.00). Each wastewater system installed not in compliance with this chapter or applicable rules and regulations of the board may be considered a separate offense.

(5) The property owner, if not a qualified homeowner maintenance provider, shall keep a continuing maintenance agreement with a certified installer on all advanced treatment systems in perpetuity. Any person violating this subsection shall be subject to the penalties and damages as provided in Section 41-67-28(5).

SECTION 8. Section 41-67-9, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-9. (1) * * *

All existing individual on-site wastewater disposal systems on July 1, 2014, shall be grandfathered in until a valid complaint is registered with a county department of health or until a property owner requests an inspection by the department.

* * *

(2) * * * All existing individual on-site wastewater disposal systems shall be considered acceptable provided the following requirements are met:

(a) The existing individual on-site wastewater disposal system and all treated effluent is contained on the property of the generator;

(b) No evidence that any insufficiently treated effluent is leaving the property of the generator or has been seeping to the surface of the ground;

(c) Centralized wastewater treatment systems are not available;

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(d) If a private water supply well is present, the well should be located at a higher elevation than the disposal system and is protected from surface contamination by a concrete slab of a thickness of at least four (4) inches extending at least two (2) feet in all directions from the well casing * * *; and

(e) If an advanced treatment system is used, the property owner shall be required to contact an authorized representative of a certified manufacturer of the specific advanced treatment system to provide a continuous maintenance agreement or provide the property owner training to become a qualified homeowner maintenance provider.

(3) Owners of property on which an existing individual on-site wastewater disposal system does not meet the requirements of subsection (2) of this section shall be required by the department to meet Section 41-67-6 or Section 41-67-21.

SECTION 9. Section 41-67-10, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-10. (1) Advanced * * * treatment systems may be installed only if they have been tested and are listed by * * * an American National Standards Institute (ANSI) third-party certifying program at the time of installation. Advanced* * * treatment systems shall be in compliance with standards for a Class I system as defined by the most current revision of American National Standards Institute/National Sanitation Foundation (ANSI/NSF) International Standard Number 40, which are incorporated by reference. An approved ANSI third-party certifying program shall comply with the following provisions for systems which it has certified to be installed in Mississippi:

(a) Be accredited by the American National Standards Institute;

(b) Have established procedures which send representatives to distributors in Mississippi on a recurring basis to conduct evaluations to assure that distributors of certified advanced treatment systems are providing proper maintenance, have sufficient replacement parts available and are maintaining service records;

(c) Notify the department of the results of monitoring visits to manufacturers and distributors within sixty (60) days of the conclusion of the monitoring; and

(d) Submit completion reports on testing and any other information as the department may require for its review.

(2) All manufacturers of advanced treatment systems certified in Mississippi shall provide technical training staff to the department as needed.

SECTION 10. Section 41-67-11, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-11. (1) * * * Individual on-site wastewater disposal systems may be approved in an area where individual on-site wastewater disposal systems otherwise would not be approved because of the availability or feasibility of connection to a centralized * * * wastewater treatment system only after a contract has been awarded or other definite commitments as are deemed sufficient to the department are formalized for the construction of * * * a centralized wastewater treatment system that upon completion will adequately serve the property.

* * * Individual on-site wastewater disposal systems shall only be approved when the * * * centralized wastewater treatment system will be completed and available for use within thirty-six (36) months. The department may approve the installation of a * * * system under these circumstances only if the system will comply with the requirements of Section 41-67-5(1) and comply with all construction requirements of the * * * department. The * * * system may be installed only after the developer has signed a written agreement with the centralized * * * wastewater treatment provider stating that the developer will connect to the centralized * * * wastewater treatment system when it becomes available, and the provider of the centralized * * * wastewater treatment system being constructed certifies that the centralized * * * wastewater treatment system will have adequate capacity to accept the sewage to be produced by the * * * individual on-site wastewater disposal systems. The developer shall install an internal sewage collection system from each lot to the connection point to the * * * centralized wastewater treatment system as he develops the streets of the subdivision. Upon completion of the * * * construction of the centralized wastewater treatment system, all individual on-site wastewater disposal systems shall be abandoned and all residences, buildings or facilities connected to the * * * centralized wastewater treatment system.

(2) The * * * department may approve the * * * use of a sewage holding * * * tank for the purpose of providing sewage

services. * * * The * * * department shall require * * * the proper abandonment and removal of the sewage holding tank and connection to a centralized wastewater treatment system when that system is available, or the usage is no longer needed.

SECTION 11. Section 41-67-12, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-12. (1) The department shall assess fees in the following amounts for the following purposes:

(a) A fee of Fifty Dollars (\$50.00) shall be levied for soil and site evaluation and recommendation of individual on-site wastewater disposal systems.

(b) A fee of Fifty Dollars (\$50.00) shall be levied annually for the certification of installers and * * * pumpers.

(c) A fee of One Hundred Dollars (\$100.00) shall be levied annually for the registration of manufacturers.

(2) In the discretion of the board, a person shall be liable for a penalty equal to one and one-half (1-1/2) times the amount of the fee due and payable for failure to pay the fee on or before the date due, plus any amount necessary to reimburse the cost of collection.

(3) * * * No fee authorized under this section shall * * * be assessed by the department for * * * state agencies or institutions, including, without limitation, foster homes licensed by the * * * Mississippi Department of Human Services.
* * *

SECTION 12. Section 41-67-15, Mississippi Code of 1972, is reenacted as follows:

41-67-15. Nothing in this chapter shall limit the authority of a municipality or board of supervisors to adopt similar ordinances which may be, in whole or in part, more restrictive than this chapter, and in those cases the more restrictive ordinances will govern. The department shall not approve any system that does not comply with an ordinance adopted by a municipality or board of supervisors under the authority of this section.

SECTION 13. Section 41-67-19, Mississippi Code of 1972, is reenacted and amended as follows:

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41-67-19. Each authorized agent of the department implementing this chapter shall demonstrate to the department's satisfaction that the person:

(a) Is competent to review and provide any requested approval of design * * * and installation of individual on-site wastewater disposal systems, as well as the operation, repair or maintenance of those systems, to make soil permeability tests or soil and site evaluations, and to conduct inspections of individual on-site wastewater disposal systems in accordance with this chapter and rules and regulations adopted under this chapter; and

(b) Has successfully completed the * * * department's certification training program * * *.

SECTION 14. Section 41-67-21, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-21. (1) The * * * department * * * shall require a property owner and/or lessee to repair a malfunctioning individual on-site wastewater disposal system on the owner's or lessee's property before the thirtieth day after the date on which the owner or lessee is notified by the department of the malfunctioning system.

(2) The property owner and/or lessee shall take adequate measures as soon as practicable to abate an immediate health hazard.

(3) If an existing residential individual on-site wastewater disposal system is malfunctioning, the system shall be repaired to reduce the volume of effluent, to adequately treat the effluent and to the greatest extent possible, to confine the discharge to the property of the generator. If repairs are made to significantly upgrade the existing individual on-site wastewater disposal system, the department shall approve the system, if requested.

(* * *4) The property owner or lessee may be assessed a civil penalty not to exceed Five Dollars (\$5.00) for each day the individual on-site wastewater disposal system remains unrepaired after the thirty-day period specified in subsection (1) of this section.

(* * *5) The board may assess the property owner or lessee of an individual on-site wastewater disposal system authorized * * * under Section 41-67-3(* * *3) a civil penalty

not to exceed * * * Five Dollars (\$5.00) for each day the system fails to meet the performance standards of that system after the thirty-day period specified in subsection (1) of this section."

(* * *6) All penalties collected by the board under this section shall be deposited in the State General Fund.

(* * *7) Appeals from the imposition of civil penalty under this section may be taken as provided in Section 41-67-29.

SECTION 15. Section 41-67-23, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-23. The department or its authorized representative may enter onto property and make inspections of any individual on-site wastewater disposal system as necessary to ensure that the system is in compliance with this chapter and the rules and regulations adopted under this chapter. The department shall give reasonable notice to any property owner, lessee or occupant prior to entry onto the property. The owner, lessee, owner's representative, or occupant of the property on which the system is located shall give the department or its authorized representative reasonable access to the property at reasonable times to make necessary inspections.

SECTION 16. Section 41-67-25, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-25. (1) A person may not operate as an installer of individual on-site wastewater disposal systems unless that person is currently certified by the department. A person who installs an individual on-site wastewater disposal system on his own property for his primary residence is not considered an installer for purposes of this subsection.

(2) An installer of * * * advanced treatment systems or products must be a factory-trained and authorized representative. The manufacturer must furnish documentation to the department certifying the satisfactory completion of factory training and the establishment of the installer as an authorized manufacturer's representative.

(3) The * * * department shall issue a certification to an installer if the installer:

(a) Completes an application form that complies with this chapter and rules and regulations adopted * * * by the board;

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(b) Satisfactorily completes the training program for installation and maintenance provided by the department;

(c) Pays the annual certification fee which shall be an amount not greater than Fifty Dollars (\$50.00); and

(d) Provides proof of having a valid general business liability insurance policy in effect with liability limits of at least Fifty Thousand Dollars (\$50,000.00) per occurrence and at least One Hundred Thousand Dollars (\$100,000.00) in total aggregate amount.

(4) Each installer shall furnish proof of certification to a property owner, lessee, the owner's representative or occupant of the property on which an individual on-site wastewater disposal system is to be designed, constructed, repaired or installed by that installer and to the department or its authorized representative, if requested.

(5) The department shall provide for annual renewal of certifications.

(6) (a) An installer's certification may be suspended or revoked by the * * * department after notice and hearing if the installer violates this chapter or any rule or regulation adopted under this chapter.

(b) The installer may appeal a suspension or revocation under this section as provided by law.

(7) The department * * * shall disseminate to the public an official list of certified installers * * *.

(8) If any person is operating in the state as an installer without certification by the board, the board, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

(9) The department * * * shall provide for annual renewal of installer certifications to be applied for at the local department offices.

SECTION 17. Section 41-67-27, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-27. * * * A person may not operate a business in or do business in the State of Mississippi as a manufacturer of components used in an individual on-site wastewater disposal system without holding a valid manufacturer's registration

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issued by the department. If any person is operating in the state as a manufacturer without certification by the department, the department, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

SECTION 18. Section 41-67-28, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-28. (1) Except as otherwise provided in this chapter, any person who shall knowingly violate this chapter or any rule or regulation or written order of the board in pursuance thereof is, upon conviction, guilty of a misdemeanor and shall be punished as provided in Section 41-3-59.

(2) Each day of a continuing violation is a separate violation.

(3) (a) In addition to all other statutory and common law rights, remedies and defenses, any person who purchases an individual on-site wastewater disposal system and suffers any ascertainable loss of money or property, real or personal, may bring an action at law in the court having jurisdiction in the county in which the installer or manufacturer has the principal place of business, where the act allegedly occurred, to recover any loss of money or damages for the loss of any property resulting from any of the following:

(i) Improper installation of an individual on-site wastewater disposal system due to faulty workmanship;

(ii) Failure of an individual on-site wastewater disposal system to operate properly due to failure to install the system in accordance with any requirements of the manufacturer or in compliance with any rules and regulations of the board; or

(iii) Failure of an individual on-site wastewater disposal system to operate properly due to * * * installation.

(b) Nothing in this chapter shall be construed to permit any class action or suit, but every private action must be maintained in the name of and for the sole use and benefit of the individual person.

(4) A person who violates this chapter thereby causing a discharge off the property of the generator shall be liable to the party aggrieved or damaged by that violation for the actual damages and additional punitive damages equal to a

maximum of twenty-five percent (25%) of the actual damages proven by the aggrieved party, to be taxed by the court where the suit is heard on an original action, by appeal or otherwise and recovered by a suit at law in any court of competent jurisdiction. In addition, the court may award the prevailing party reasonable attorney's fees and court costs. Before filing suit, the party aggrieved or damaged must give thirty (30) days' written notice of its intent to file suit to the alleged violator.

(5) (a) Any person who violates Section * * * 41-67-7(5) or 41-67-11(2) may be assessed an administrative fine in the amount of Five Hundred Dollars (\$500.00) and the public water system may discontinue service to that property owner until the failure to comply with Section * * * 41-67-7(5) or 41-67-11(2) has been corrected.

(b) All violators shall be given thirty (30) days' notice before any adverse action.

(c) Any violator shall have the right to appeal an adverse determination through the procedures set out in Section 41-67-29.

SECTION 19. Section 41-67-29, Mississippi Code of 1972, is reenacted as follows:

41-67-29. Any person who is aggrieved by any final decision of the board may appeal that final decision to the chancery court of the county of the situs in whole or in part of the subject matter. The appellant shall give a cost bond with sufficient sureties, payable to the state in a sum to be fixed by the board or the court and to be filed with and approved by the clerk of the court. The aggrieved party may, within thirty (30) days following a final decision of the board, petition the chancery court for an appeal with supersedeas and the chancellor shall grant a hearing on the petition. Upon good cause shown the chancellor may grant the appeal with supersedeas. The appellant shall be required to post a bond with sufficient sureties according to law in an amount to be determined by the chancellor. The chancery court shall always be deemed open for hearing of appeals and the chancellor may hear the appeal in termtime or in vacation at any place in his district. The appeal shall have precedence over all civil cases, except election contests. The chancery court shall review all questions of law and of fact and may enter a final order or remand the matter to the board for

appropriate action as may be indicated or necessary under the circumstances. Appeals may be taken from the chancery court to the Supreme Court in the manner as now required by law, but if a supersedeas is desired by the party appealing to the chancery court, that party may apply therefor to the chancellor, who shall award a writ of supersedeas, without additional bond, if in the chancellor's judgment material damage is not likely to result. If material damage is likely to result, the chancellor shall require a supersedeas bond as deemed proper, which shall be liable to the state for any damage.

SECTION 20. Section 41-67-33, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-33. (1) The department shall adopt and use procedures for conducting reviews requested by any person aggrieved by the disapproval or requirements for an on-site wastewater disposal system as provided by the department in written form under Section 41-67-6. The procedures shall include that the person may request review by submitting a written request of review to the Director of the Office of Environmental Health. The request for review shall identify the matter contested and state the person's name, mailing address and home and daytime phone numbers. Within ten (10) business days of the receipt of the request for review, the department shall issue in writing a ruling and determination to the person and if any corrections are necessary to any form previously issued by the department, then new forms shall be submitted to the person.

(2) Property owners may apply for a variance from the department by submitting a report for a proposed system to the department from a licensed professional engineer that the proposed wastewater treatment system will properly treat and maintain wastewater on the property and proof that the licensed professional engineer has errors and omissions insurance. The department shall grant the variance but still have authority for final approval to inspect that the system is installed as designed. All forms from the department relating to allowed wastewater systems shall include the variance option.

(* * *) (3) Any person aggrieved by the ruling issued by the Director of the Office of Environmental Health may apply for a hearing. Any hearing shall be conducted by a hearing officer designated by the department. At the hearing, the hearing

officer may conduct reasonable questioning of persons who make relevant factual allegations concerning the proposal. The hearing officer shall require that all persons be sworn before they may offer any testimony at the hearing, and the hearing officer is authorized to administer oaths. Any person so choosing may be represented by counsel at the hearing. A record of the hearing shall be made, which shall consist of a transcript of all testimony received, all documents and other material introduced, the staff report and recommendation, and any other material as the hearing officer considers relevant. He shall make a recommendation within a reasonable period of time after the hearing is closed and after he has had an opportunity to review, study and analyze the evidence presented during the hearing. The completed record shall be certified to the State Health Officer, who shall consider only the record in making his decision, and shall not consider any evidence or material that is not included. All final decisions regarding the disapproval or requirements for an on-site wastewater disposal system shall be made by the State Health Officer. The State Health Officer shall make his written findings and issue his order after reviewing the record, not to exceed thirty (30) days following his receipt of the record.

SECTION 21. Section 41-67-35, Mississippi Code of 1972, which prohibits a person from operating as a maintenance provider unless the person is certified as one by the department or is a certified installer, is repealed.

SECTION 22. Section 41-67-37, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-37. (1) A person may not operate as a certified professional evaluator in this state unless that person is currently certified by the department or is a * * * licensed professional engineer.

(2) A person must meet one (1) of the following requirements, in addition to the additional requirements set forth in other sections of this chapter and rules and regulations of the board, in order to be eligible to become a certified professional evaluator:

(a) Be a professional geologist registered in the State of Mississippi;

(b) Be a professional soil classifier licensed in the State of Mississippi; or

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(c) Be a person who possesses a demonstrable, adequate and appropriate record of professional experience and/or training as determined by the department.

(3) The department shall issue a certification to a certified professional evaluator if the certified professional evaluator:

(a) Completes an application form that complies with this chapter and rules adopted under this chapter;

(b) Satisfactorily completes the certified professional evaluator training program provided by the department;

(c) Pays the annual certification fee; and

(d) Provides proof of having an errors and omissions policy or surety in effect with liability limits of at least Fifty Thousand Dollars (\$50,000.00) per occurrence and at least One Hundred Thousand Dollars (\$100,000.00) in total aggregate amount.

(4) Each certified professional evaluator shall furnish proof of certification to a property owner or the owner's representative of the property before performing a site evaluation of the property on which an individual on-site wastewater disposal system is to be designed, constructed, repaired or installed by the certified professional evaluator and to the department or its authorized representative, if requested.

(5) The department shall provide for annual renewal of certifications.

(6) The department * * * shall disseminate to the public an official list of certified professional evaluators * * *.

(7) If any person who is not a * * * licensed professional engineer operates in the state as a certified professional evaluator without certification by the * * * department, the * * * department, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

SECTION 23. Section 41-67-39, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-39. (1) A person may not be engaged in the business of removing and disposing of the sludge and liquid waste (septage) from individual on-site wastewater disposal systems

in this state unless that person has a valid * * * certificate issued by the department.

(2) The department shall issue a * * * certificate to a pumper if the pumper:

(a) Completes an application form that complies with this chapter and rules adopted under this chapter;

(b) Satisfactorily completes the certified pumper training program provided by the department;

(* * *c) Satisfactorily complies with the requirements of his/her pumping and hauling equipment;

(* * *d) Provides documentation of a disposal site approved by the Department of Environmental Quality, Office of Pollution Control;

(* * *e) Pays the annual license fee; and

(* * *f) Provides proof of having a valid general business liability insurance policy in effect with liability limits of at least Fifty Thousand Dollars (\$50,000.00) per occurrence and at least One Hundred Thousand Dollars (\$100,000.00) in total aggregate amount.

(3) Each pumper or designated agent thereof, upon request, shall furnish proof of * * * certification to an individual before entering a contract with that individual for the removing and disposing of the sludge and liquid waste (septage) from an individual on-site wastewater disposal system.

(4) The department * * * shall disseminate to the public an official list of certified pumpers * * *.

(5) If any person operates in the state as a certified pumper without a license by the board, the board, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

(6) The department may suspend or revoke a pumper certification if the pumper * * * disposes of septage or other liquid waste in an unpermitted or unapproved site and/or violates this chapter or rules and regulations under this chapter.

(7) A municipal wastewater treatment facility may make a site available for certified pumpers to dispose of septic or other liquid waste.

(8) The department shall provide for annual renewal of certifications.

(* * *9) The department must provide for renewal pumper certifications to be applied for at the local department offices.

SECTION 24. The following shall be codified as Section 41-67-41, Mississippi Code of 1972:

41-67-41. (1) There is created the Wastewater Advisory

Council for the purpose of advising the department regarding individual on-site wastewater disposal systems. The advisory council shall be composed of the following:

(a) One (1) appointee of the State Health Officer;

(b) One (1) appointee of the Chairman of the State Board of Health;

(c) One (1) appointee of the Chairman of the State Board of Health that represents a Mississippi Aerobic Treatment Unit (ATU) manufacturer;

(d) One (1) appointee of the Chairman of the State Board of Health that represents a certified installer;

(e) One (1) appointee of the Chairman of the State Board of Health that represents a septic tank or aggregate disposal manufacturer;

(f) One (1) appointee of the Executive Director of the Mississippi Department of Environmental Quality;

(g) One (1) appointee of the Executive Director of the Office of Pollution Control;

(h) One (1) appointee of the Executive Director of the Mississippi Soil and Water Conservation Commission;

(i) One (1) appointee of the Director of the Mississippi State Board of Registered Professional Geologists;

(j) One (1) appointee of the Chairman of the Department of the Mississippi State University School of Civil and Environmental Engineering Companies;

(k) The federally appointed Mississippi State Soil Scientist, or his designee;

(l) One (1) appointee of the Executive Director of the American Council of Engineering Companies;

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(m) One (1) appointee of the Executive Director of the Home Builders Association of Mississippi;

(n) One (1) appointee of the Executive Director of the Mississippi Engineering Society;

(o) One (1) appointee of the Executive Director of the Mississippi Manufactured Housing Association;

(p) One (1) appointee of the Executive Director of the Mississippi Rural Water Association;

(q) One (1) appointee of the Executive Director of the Mississippi Association of Supervisors;

(r) One (1) appointee of the President of the Mississippi Pumpers Association;

(s) One (1) appointee of the President of the Mississippi Water and Pollution Control Operators Association, Inc.;

(t) One (1) appointee of the Executive Director of the Mississippi Association of Realtors; and

(u) One (1) appointee of the Executive Director of the Mississippi Municipal League.

(2) The members of the advisory council shall elect a chairman and vice chairman from its membership.

(3) The terms of appointments for each member shall be for a period of two (2) years.

(4) The advisory council shall have quarterly meetings, with at least one (1) of those meetings taking place between forty-five (45) and sixty (60) days before the meeting of the board.

(5) The department shall staff all advisory council meetings and record minutes of those meetings.

SECTION 25. Section 41-67-31, Mississippi Code of 1972, is amended as follows:

41-67-31. Sections 41-67-1 through 41-67-29 and Sections 41-67-33 through * * * 41-67-41 shall stand repealed on July 1, * * * 2018.

SECTION 26. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 722

Description: Mississippi Health Care Industry Zone Act; revise requirements for certification of health care industry zones under.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: Revenue

Revenue: Yes

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 505

History of Actions:

- 1 01/21 (H) Referred To Ways and Means
- 2 02/13 (H) Title Suff Do Pass
- 3 02/18 (H) Passed {Vote}
- 4 02/18 (H) Motion to Reconsider Entered (Scott, Smith
(39th), Rogers (61st))
- 5 02/19 (H) Motion to Reconsider Tabled
- 6 02/19 (H) Transmitted To Senate
- 7 02/22 (S) Referred To Finance
- 8 03/14 (S) Title Suff Do Pass As Amended
- 9 03/19 (S) Amended
- 10 03/19 (S) Passed As Amended {Vote}
- 11 03/20 (S) Returned For Concurrence
- 12 03/21 (H) Decline to Concur/Invite Conf
- 13 03/25 (H) Conferees Named Smith (39th), Rogers
(61st), Calhoun
- 14 03/27 (S) Conferees Named Fillingane, Brown, Parks
- 15 03/30 (S) Conference Report Filed
- 16 03/30 (H) Conference Report Filed
- 17 03/31 (H) Recommitted For Further Conf
- 18 03/31 (S) Recommitted For Further Conf
- 19 03/31 (S) Conference Report Filed
- 20 03/31 (H) Conference Report Filed
- 21 04/01 (S) Conference Report Adopted {Vote}
- 22 04/01 (H) Conference Report Adopted {Vote}

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23 04/04 (S) Enrolled Bill Signed
24 04/04 (H) Enrolled Bill Signed
25 04/22 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote
[S] Amendment No 2 to Committee Amendment No 1 *Adopted* Voice Vote
[S] Amendment No 3 to Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 722

Conference Reports:

| Conference Report
| Conference Report # 2

Code Section: A 057-0117-0003, A 057-0117-0005, A 057-0117-0007

----- Additional Information -----

House Committee: Ways and Means

Senate Committee: Finance

Principal Author: Smith (39th)

Title: AN ACT TO AMEND SECTIONS 57-117-3, 57-117-5 AND 57-117-7, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM HEALTH CARE INDUSTRY FACILITY IN THE MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO CERTIFY HEALTH CARE INDUSTRY ZONES IN AREAS IN WHICH A HEALTH CARE INDUSTRY FACILITY IS LOCATED WITHIN A FIVE-MILE RADIUS OF CERTAIN UNIVERSITIES OR COLLEGES THAT ARE ACCREDITED BY THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS AND AWARDS DEGREES AND/OR TRAINS WORKERS FOR JOBS IN HEALTH CARE OR PHARMACEUTICAL FIELDS OF STUDY OR WORK; TO MAKE IT CLEAR THAT A HEALTH CARE INDUSTRY FACILITY THAT ENGAGES IN AN ACTIVITY FOR WHICH A CERTIFICATE OF NEED IS REQUIRED MUST COMPLY WITH THE PROVISIONS OF THE CERTIFICATE OF NEED LAW IN ORDER TO BE CERTIFIED AS A QUALIFIED BUSINESS UNDER THE MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT; AND FOR RELATED PURPOSES.

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MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representative Smith (39th)

House Bill 722

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 57-117-3, 57-117-5 AND 57-117-7, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM HEALTH CARE INDUSTRY FACILITY IN THE MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO CERTIFY HEALTH CARE INDUSTRY ZONES IN AREAS IN WHICH A HEALTH CARE INDUSTRY FACILITY IS LOCATED WITHIN A FIVE-MILE RADIUS OF CERTAIN UNIVERSITIES OR COLLEGES THAT ARE ACCREDITED BY THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS AND AWARDS DEGREES AND/OR TRAINS WORKERS FOR JOBS IN HEALTH CARE OR PHARMACEUTICAL FIELDS OF STUDY OR WORK; TO MAKE IT CLEAR THAT A HEALTH CARE INDUSTRY FACILITY THAT ENGAGES IN AN ACTIVITY FOR WHICH A CERTIFICATE OF NEED IS REQUIRED MUST COMPLY WITH THE PROVISIONS OF THE CERTIFICATE OF NEED LAW IN ORDER TO BE CERTIFIED AS A QUALIFIED BUSINESS UNDER THE MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-117-3, Mississippi Code of 1972, is amended as follows:

57-117-3. In this chapter:

(a) "Health care industry facility" means :

(i) A business engaged in the research and development of pharmaceuticals, biologics, biotechnology, diagnostic imaging, medical supplies, medical equipment or medicine and related manufacturing or processing, medical service providers, medical product distribution, or laboratory testing that creates a minimum of twenty-five (25) new full-time jobs and/or Ten Million Dollars (\$10,000,000.00) of capital investment after July 1, 2012 * * *; or

(ii) A business that (a) is located on land owned by or leased from an academic health science center with a medical school accredited by the Liaison Committee on Medical Education and a hospital accredited by the Joint Committee

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on Accreditation of Healthcare Organizations and (b) creates a minimum of twenty-five (25) new jobs and/or Twenty Million Dollars (\$20,000,000.00) of capital investment after July 1, 2012.

(b) "MDA" means the Mississippi Development Authority.

(c) "Health care industry zone" means a geographical area certified by the MDA as provided for in Section 57-117-5.

(d) "Local government unit" means any county or incorporated city, town or village in the State of Mississippi.

(e) "Person" means a natural person, partnership, limited liability company, association, corporation, business trust or other business entity.

(f) "Qualified business" means a business or health care industry facility that meets the requirements of Section 57-117-7 and any other requirements of this chapter.

SECTION 2. Section 57-117-5, Mississippi Code of 1972, is amended as follows:

57-117-5. (1) The MDA may certify an area as a health care industry zone if the following requirements are met:

(a) The area is located within:

(i) Three (3) contiguous counties which have certificates of need of more than three hundred seventy-five (375) acute care hospital beds; and/or

(ii) A county which has a hospital with a minimum capital investment of Two Hundred Fifty Million Dollars (\$250,000,000.00) and for which construction is completed before July 1, 2017;

(b) The health care industry facility is located within a five-mile radius of :

(i) A facility with a certificate of need for hospital beds; and /or

(ii) A university or college that is:

1. Accredited by the Southern Association of Colleges and Schools and awards degrees and/or trains workers for jobs in health care or pharmaceutical fields of study and/or work, and

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2. Located along or near Mississippi Highway 67 within a master planned community as defined in Section 19-5-10; and

(c) The zoning of the local government unit, if applicable, allows the construction or operation in the proposed health care industry zone of the health care industry facility.

(2) A health care industry facility that engages in an activity for which a certificate of need is required must comply with the provisions of Section 41-7-191 in order to be certified as a qualified business.

(* * *3) The MDA may adopt and promulgate such rules and regulations, in compliance with the Mississippi Administrative Procedures Law, as are necessary for the efficient and effective administration of this section in keeping with the purposes for which it is enacted.

SECTION 3. Section 57-117-7, Mississippi Code of 1972, is amended as follows:

57-117-7. (1) Businesses and health care industry facilities shall apply to the MDA for certification as a qualified business. If the health care industry facility or business is located in a health care industry zone and meets the requirements of this chapter, the MDA shall certify it as a qualified business.

(2) A health care industry facility or business certified by the MDA as a qualified business within a health care industry zone that constructs or renovates a health care industry facility within a health care industry zone shall qualify for the following:

(a) An accelerated state income tax depreciation deduction. The accelerated depreciation deduction shall be computed by accelerating depreciation period required by Mississippi Administrative Code, to a ten-year depreciation period.

(b) A sales tax exemption as authorized in Section 27-65-101(pp).

(c) A fee-in-lieu of taxes as authorized in Section 27-31-104.

(d) An ad valorem tax exemption as authorized in Section 27-31-101.

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SECTION 4. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 725

Description: Guardian of the person; revise provisions regarding notice to creditors.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 2, 2013

Chapter Number: 554

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (H) | Referred To Judiciary B |
| 2 | 01/31 | (H) | Title Suff Do Pass |
| 3 | 02/13 | (H) | Amended |
| 4 | 02/13 | (H) | Passed As Amended {Vote} |
| 5 | 02/18 | (H) | Transmitted To Senate |
| 6 | 02/20 | (S) | Referred To Judiciary, Division A |
| 7 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 8 | 03/07 | (S) | Amended |
| 9 | 03/07 | (S) | Passed As Amended {Vote} |
| 10 | 03/08 | (S) | Returned For Concurrence |
| 11 | 03/14 | (H) | Decline to Concur/Invite Conf |
| 12 | 03/25 | (H) | Conferees Named Hood, Snowden, White |
| 13 | 03/27 | (S) | Conferees Named Hopson, Tindell, Montgomery |
| 14 | 04/01 | (S) | Conference Report Filed |
| 15 | 04/01 | (H) | Conference Report Filed |
| 16 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 17 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 18 | 04/09 | (S) | Enrolled Bill Signed |
| 19 | 04/09 | (H) | Enrolled Bill Signed |
| 20 | 04/25 | | Approved by Governor |

Amendments:

[H] Amendment No 1 *Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 725

Conference Reports:

| Conference Report

Code Section: A 093-0013-0038, A 093-0013-0067, A 093-0013-0077

----- **Additional Information** -----

House Committee: Judiciary B

Senate Committee: Judiciary, Division A

Principal Author: Snowden

Title: AN ACT TO AMEND SECTIONS 93-13-38, MISSISSIPPI CODE OF 1972, AND 93-13-67, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL 2375, 2013 REGULAR SESSION, TO REVISE REQUIREMENTS REGARDING GUARDIANSHIPS OF THE PERSON; TO REVISE CERTAIN REQUIREMENTS WHEN NO ESTATE IS INVOLVED IN THE GUARDIANSHIP; TO REQUIRE COMPLIANCE WITH SUCH REQUIREMENTS WHEN ASSETS ARE OBTAINED; TO AMEND SECTION 93-13-77, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL 2375, 2013 REGULAR SESSION, TO CONFORM; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 725

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary B

By: Representative Snowden

House Bill 725

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 93-13-38, MISSISSIPPI CODE OF 1972, AND 93-13-67, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL 2375, 2013 REGULAR SESSION, TO REVISE REQUIREMENTS REGARDING GUARDIANSHIPS OF THE PERSON; TO REVISE CERTAIN REQUIREMENTS WHEN NO ESTATE IS INVOLVED IN THE GUARDIANSHIP; TO REQUIRE COMPLIANCE WITH SUCH REQUIREMENTS WHEN ASSETS ARE OBTAINED; TO AMEND SECTION 93-13-77, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL 2375, 2013 REGULAR SESSION, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 93-13-38, Mississippi Code of 1972, is amended as follows:

93-13-38. (1) All the provisions of the law on the subject of executors and administrators, relating to settlement or disposition of property limitations, notice to creditors, probate and registration of claims, proceedings to insolvency and distribution of assets of insolvent estates, shall, as far as applicable and not otherwise provided, be observed and enforced in * * * a guardianship of the person and estate. The requirements in a guardianship of the person are modified to the extent that notice to creditors is not required, reports will be made only as often as the court requires, and the guardianship may be closed without the need for any accounting unless otherwise determined by the court. Any assets that are received shall be reported immediately and at that point the guardianship shall be deemed to be a guardianship of the person and estate and all requirements for guardianship of the person and estate shall be followed.

(2) It shall be the duty of the guardian of wards as defined by Section 1-3-58, Mississippi Code of 1972, to improve the estate committed to his charge, and to apply so much of the income, profit or body thereof as may be necessary for the comfortable maintenance and support of the ward and of his family, if he have any, after obtaining an order of the court

fixing the amount. And such guardian may be authorized by the court or chancellor to purchase on behalf of and in the name of the ward with any funds of such ward's estate sufficient and appropriate property for a home for such ward or his family on five (5) days' notice to a member of said family, or the necessary funds may be borrowed and the property purchased given as security. The guardian is empowered to collect and sue for and recover all debts due his said ward, and shall make payment of his debts out of the personal estate as executors and administrators discharge debts out of the estate of decedents, but the exempt property of the ward shall not be liable for debts, and no debts against such estate shall be payable by such guardian unless first probated and registered, as required of claims against the estate of decedent.

(3) The word "family" shall be taken for the purpose of this section to mean husband or wife and children; if there be no husband, wife or children, the father and mother; and if there be no father or mother, then the grandfather and grandmother, sisters and brothers of said ward.

(4) (a) On application of the guardian or any interested party, and after notice to all interested persons and to such other persons as the court may direct, and on a showing that the ward will probably remain incompetent during his lifetime, the court may, after hearing and by order, authorize the guardian to apply such principal or income of the ward's estate as is not required for the support of the ward during his lifetime or of his family towards the establishment of an estate plan for the purpose of minimizing income, estate, inheritance, or other taxes payable out of the ward's estate. The court may authorize the guardian to make gifts of the ward's personal property or real estate, outright or in trust, on behalf of the ward, to or for the benefit of (i) organizations to which charitable contributions may be made under the Internal Revenue Code and in which it is shown the ward would reasonably have an interest, (ii) the ward's heirs at law who are identifiable at the time of the order, (iii) devisees under the ward's last validly executed will, if there be such a will, and (iv) a person serving as guardian of the ward provided he is eligible under either category (ii) or (iii) above.

(b) The person making application to the court shall outline the proposed estate plan, setting forth all the

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benefits to be derived therefrom. The application shall also indicate that the planned disposition is consistent with the intentions of the ward insofar as they can be ascertained. If the ward's intentions cannot be ascertained, the ward will be presumed to favor reduction in the incidence of the various forms of taxation and the partial distribution of his estate as herein provided.

(c) The court:

(i) Shall appoint a guardian ad litem for the ward; and

(ii) May appoint a guardian ad litem for any interested party at any stage of the proceedings, if deemed advisable for the protection of the interested party.

(d) Subsequent modifications of an approved plan may be made by similar application to the court.

(e) Before signing an order to effectuate the provisions of this subsection (4), the chancellor shall review the ward's will, if the will is known or can be produced, to determine that a gift made under this subsection (4) is consistent with the will.

SECTION 2. Section 93-13-67, Mississippi Code of 1972, as amended by Senate Bill No. 2375, 2013 Regular Session, is amended as follows:

93-13-67. (1) Except as herein provided, and as provided in Section 93-13-7, or 93-13-37 and 93-13-38, every guardian shall, at least once in each year, and oftener if required, exhibit his account, showing the receipts of money on account of his ward, and showing the annual product of the estate under his management, and the sale or other disposition thereof, and showing also each item of his expenditure in the maintenance and education of his ward and in the preservation and management of his estate, supported by legal vouchers. In the event that the account shall be presented by a bank or trust company which is subject to the supervision of the Department of * * * Finance and Administration of the State of Mississippi or of the comptroller of the currency of the United States and such account, or the petition for the approval of same, shall contain a statement under oath by an officer of said bank or trust company showing that the vouchers covering the disbursements in the account presented are on file with the bank or trust company, * * * the bank or

trust company shall not be required to file vouchers. * * * The bank or trust company shall produce * * * the vouchers for inspection of any interested party or his or her attorney at any time during legal banking hours at the office of * * * the bank or trust company; * * * the court on its own motion or on the motion of any interested party may require that * * * the vouchers be produced and inspected at any hearing of any objections to * * * the annual account. * * * The accounts shall be examined, approved, and allowed by the court in the same way that the accounts of executors and administrators are examined, approved, and allowed. Compliance with the duties required, in this section, of guardian shall be enforced by the same means and in the same manner as is provided in respect to the accounts of executors and administrators.

* * * (a) However, when the funds and personal property of the ward do not exceed the sum or value of Three Thousand Dollars (\$3,000.00) and there is no prospect of further receipt to come into the hands of the guardian other than interest thereon, or in guardianships in which the only funds on hand or to be received by the guardian are funds paid or to be paid by the Department of * * * Human Services for the benefit of the ward, the chancery court or chancellor in vacation, may, for good cause shown, in his discretion and upon being satisfied it is to the best interest and welfare of the ward, authorize the guardian to dispense with further such annual accounts, except such as may be a final account. Furthermore, the chancery court or chancellor in vacation may * * * dispense with * * * annual accounts * * * if the ward's assets consist solely of funds on deposit at any banking corporation, building and loan association or savings and loan association in this state; have been so deposited under order of the court to remain until otherwise ordered; are fully insured; and a certified copy of the order to deposit, properly receipted, furnished the depository. * * * If the court, or chancellor in vacation, * * * authorizes the discontinuance of * * * annual accounts, the guardian may, without further order of the court, from time to time pay the court costs and bond premiums owing by * * * the estate or him as * * * guardian, and, as well, he may likewise pay * * * emergency obligations as he may have been empowered and allowed to do by necessity except for this section; but, he shall not pay from guardianship funds * * * any other sums without further order of such court or chancellor without having first obtained

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order of the court or chancellor to do so. * * * If emergency expenditure * * * is needed for the immediate and necessary welfare of the ward, * * * it shall at once be reported to the court, or chancellor in vacation, for approval. Furthermore, the court on its own motion or on the motion of any interested party may require the resumption and continuance of annual accounts * * *.

(b) At the time of any * * * annual account, the court, or a judge thereof in vacation, in its discretion, may allow to the guardian a minimum commission of One Hundred Dollars (\$100.00) per annum for its services, anything in the statutes of this state to the contrary notwithstanding.

(2) If the ward was a minor and the guardianship terminates by any means upon the ward obtaining majority, if a final accounting is not made and the ward does not petition the court to compel a final accounting on or before July 1, 2014, or the twenty-second birthday of the ward, whichever comes last, the court may close its file on the guardianship unless it appears to the court that the court should seek accounting on its own motion.

SECTION 3. Section 93-13-77, Mississippi Code of 1972, as amended by Senate Bill No. 2375, 2013 Regular Session, is amended as follows:

93-13-77. When the guardianship shall cease in any manner, except as provided in Section 93-13-37 or 93-13-67, the guardian shall make a final settlement of his guardianship * * * by making out and presenting to the court, under oath, his final account, which shall contain a distinct statement of all the balances of his annual accounts, either as debits or credits, and also all other charges, expenditures, and amounts received, and not contained in any previous annual account. * * * The final account shall remain on file for the inspection of the ward, and summons for him shall be issued, which shall notify him to appear on a day not less than one month after service thereof or completion of its publication, and show cause why the final account of the guardian should not be allowed and approved. In the event that the account shall be presented by a bank or trust company which is subject to the supervision of the * * * Mississippi Department of Banking and Consumer Finance or of the comptroller of the currency of the United States and * * * the account, or the petition for the approval of * * * the account, shall contain a statement under

oath by an officer of * * * the bank or trust company showing that the vouchers covering the disbursements in the account presented are on file with the * * * bank or trust company, * * * the bank or trust company shall not be required to file vouchers.* * * The bank or trust company shall produce * * * the vouchers for inspection of any interested party or his or her attorney at any time during legal banking hours at the office of * * * the bank or trust company, and * * * the court on its own motion, or on the motion of any interested party, may require that * * * the vouchers be produced and inspected at the time of hearing of any objections that may be filed to any final account. * * * The court shall examine the final account, and hear the evidence for and against it; and if the court * * * is satisfied, after examination, that the account is just and true, shall make a final decree of approval, or may allow only so much of the account as is right; and in the decree it shall make an allowance to the guardian for his trouble, not exceeding ten * * * percent (10%) on the value of the estate; and shall also decree that the property of the ward shall be delivered to him, if not already delivered, and that the guardian be discharged. * * * In like manner, and under like restrictions, it shall be made the duty of an executor or administrator of a deceased guardian to make final settlement of their testator's or intestate's guardianship accounts in the chancery court in which the same may be pending; but any ward arriving at the age of twenty-one (21) years may petition the chancery court in which the guardianship is pending to waive the final settlement required by this section and discharge the guardian and his sureties, which petition shall be verified by oath, and the court shall grant the same unless there be reason to suspect that the petition was procured by the guardian through fraud or undue influence over the ward, in which case the court shall require proof of the good faith thereof.

If a final accounting is not made and the ward does not petition the court to compel a final accounting on or before July 1, 2014, or the twenty-second birthday of the ward, whichever comes last, the court may close its file on the guardianship unless it appears to the court that the court should seek accounting on its own motion.

SECTION 4. This act shall take effect and be in force from and after July 2, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 750

Description: County port and harbor commission; revise the number of appointments made to.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 502

History of Actions:

- 1 01/21 (H) Referred To Ports, Harbors and Airports
- 2 02/05 (H) Title Suff Do Pass Comm Sub
- 3 02/13 (H) Read the Third Time
- 4 02/14 (H) Committee Substitute Adopted
- 5 02/14 (H) Passed {Vote}
- 6 02/18 (H) Transmitted To Senate
- 7 02/20 (S) Referred To Ports and Marine Resources
- 8 03/04 (S) Title Suff Do Pass As Amended
- 9 03/12 (S) Amended
- 10 03/12 (S) Passed As Amended {Vote}
- 11 03/13 (S) Returned For Concurrence
- 12 03/14 (H) Decline to Concur/Invite Conf
- 13 03/26 (H) Conferees Named Monsour, Bennett, Ladner
- 14 03/29 (S) Conferees Named Wiggins, Moran, Harkins
- 15 03/30 (S) Conference Report Filed
- 16 03/30 (H) Conference Report Filed
- 17 04/02 (H) Conference Report Adopted {Vote}
- 18 04/02 (S) Conference Report Adopted {Vote}
- 19 04/08 (H) Enrolled Bill Signed
- 20 04/08 (S) Enrolled Bill Signed
- 21 04/22 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 750

Conference Reports:

| Conference Report

Code Section: A 059-0011-0003

----- **Additional Information** -----

House Committee: Ports, Harbors and Airports

Senate Committee: Ports and Marine Resources

Principal Author: Monsour

Title: AN ACT TO CREATE THE “REPRESENTATIVE JESSICA S. UPSHAW MEMORIAL ACT”; TO AMEND SECTION 59-11-3, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF COMMISSIONERS THAT ARE APPOINTED TO A CERTAIN COUNTY PORT AND HARBOR COMMISSION; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 750

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ports, Harbors and Airports

By: Representative Monsour

House Bill 750

(As Sent to Governor)

AN ACT TO CREATE THE "REPRESENTATIVE JESSICA S. UPSHAW MEMORIAL ACT"; TO AMEND SECTION 59-11-3, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF COMMISSIONERS THAT ARE APPOINTED TO A CERTAIN COUNTY PORT AND HARBOR COMMISSION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 59-11-3, Mississippi Code of 1972, is amended as follows:

59-11-3. (1) Any county port and harbor commission created pursuant to Section 59-11-1 shall be appointed as follows:

* * * three (3) members shall be appointed by the Governor, one (1) from each of the * * * three (3) municipalities of the county, which appointments shall be made from those persons recommended and nominated by the governing authorities of the municipalities, and shall be qualified electors of the county; and five (5) members shall be appointed by the board of supervisors of such county, each supervisor to recommend the appointment of one (1) member thereof. The members of the county port and harbor commission shall serve for terms concurrent with that of the Governor and the board of supervisors making such appointment.

(2) Each member of the county port and harbor commission shall receive per diem compensation in an amount up to Eighty-four Dollars (\$84.00) for each day engaged in attendance of meetings of the county port and harbor commission or when engaged in other duties of the county port and harbor commission, and shall be reimbursed for mileage and actual travel expenses at the rate authorized for county employees under Section 25-3-41.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 777

Description: Pharmacy benefit manager licensure statutes; extend repealers and conform certain definitions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 541

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (H) | Referred To Public Health and Human Services |
| 2 | 01/29 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 02/01 | (H) | Committee Substitute Adopted |
| 4 | 02/01 | (H) | Passed {Vote} |
| 5 | 02/05 | (H) | Transmitted To Senate |
| 6 | 02/22 | (S) | Referred To Public Health and Welfare; Accountability, Efficiency, Transparency |
| 7 | 02/27 | (S) | DR - TSDPAA: PH To AC |
| 8 | 02/28 | (S) | Title Suff Do Pass As Amended |
| 9 | 03/13 | (S) | Amended |
| 10 | 03/13 | (S) | Passed As Amended {Vote} |
| 11 | 03/14 | (S) | Returned For Concurrence |
| 12 | 03/19 | (H) | Decline to Concur/Invite Conf |
| 13 | 03/26 | (H) | Conferees Named Mims, Barker, Hamilton |
| 14 | 03/27 | (S) | Conferees Named Kirby, Burton, Bryan |
| 15 | 03/28 | (S) | Conference Report Filed |
| 16 | 03/28 | (H) | Conference Report Filed |
| 17 | 03/29 | (H) | Motion to Recommit Lost |
| 18 | 03/29 | (H) | Conference Report Adopted {Vote} |
| 19 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 20 | 04/08 | (H) | Enrolled Bill Signed |
| 21 | 04/08 | (S) | Enrolled Bill Signed |
| 22 | 04/25 | | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 777

Conference Reports:

| Conference Report

Code Section: A 073-0021-0083, A 073-0021-0091, A 073-0021-0153, A 073-0021-0157,
A 073-0021-0159

----- **Additional Information** -----

House Committee: Public Health and Human Services

Senate Committee: Public Health and Welfare, Accountability, Efficiency, Transparency

Principal Author: Hamilton

Title: AN ACT TO AMEND SECTIONS 73-21-83, 73-21-91, 73-21-157 AND 73-21-159, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON STATUTES RELATING TO THE LICENSURE OF PHARMACY BENEFIT MANAGERS; TO AMEND SECTION 73-21-153, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFINITIONS OF PHARMACY BENEFIT MANAGER AND PLAN IN THE PHARMACY BENEFIT PROMPT PAY ACT TO THE DEFINITIONS IN THE PHARMACY AUDIT INTEGRITY ACT, WITH CERTAIN EXEMPTIONS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 777

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Human Services

By: Representative Hamilton

House Bill 777

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 73-21-83, 73-21-91, 73-21-157 AND 73-21-159, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON STATUTES RELATING TO THE LICENSURE OF PHARMACY BENEFIT MANAGERS; TO AMEND SECTION 73-21-153, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFINITIONS OF PHARMACY BENEFIT MANAGER AND PLAN IN THE PHARMACY BENEFIT PROMPT PAY ACT TO THE DEFINITIONS IN THE PHARMACY AUDIT INTEGRITY ACT, WITH CERTAIN EXEMPTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-21-83, Mississippi Code of 1972, is amended as follows:

73-21-83. (1) The board shall be responsible for the control and regulation of the practice of pharmacy, to include the regulation of pharmacy externs or interns and pharmacist technicians, in this state, the regulation of the wholesaler distribution of drugs and devices as defined in Section 73-21-73, the distribution of sample drugs or devices by manufacturer's distributors as defined in Section 73-21-73 by persons other than the original manufacturer or distributor in this state and the regulation of pharmacy benefit managers as defined in Section 73-21-153.

(2) A license for the practice of pharmacy shall be obtained by all persons prior to their engaging in the practice of pharmacy. However, the provisions of this chapter shall not apply to physicians, dentists, veterinarians, osteopaths or other practitioners of the healing arts who are licensed under the laws of the State of Mississippi and are authorized to dispense and administer prescription drugs in the course of their professional practice.

(3) The initial licensure fee shall be set by the board but shall not exceed Two Hundred Dollars (\$200.00), except the initial licensure fee for pharmacy benefit managers shall

2013 GENERAL LAWS OF MISSISSIPPI HB 777

be set by the board but shall not exceed Five Hundred Dollars (\$500.00).

(4) All students actively enrolled in a professional school of pharmacy accredited by the American Council on Pharmaceutical Education who are making satisfactory progress toward graduation and who act as an extern or intern under the direct supervision of a pharmacist in a location permitted by the Board of Pharmacy must obtain a pharmacy student registration prior to engaging in such activity. The student registration fee shall be set by the board but shall not exceed One Hundred Dollars (\$100.00).

(5) All persons licensed to practice pharmacy prior to July 1, 1991, by the State Board of Pharmacy under Section 73-21-89 shall continue to be licensed under the provisions of Section 73-21-91.

(6) This section shall stand repealed on July 1, 2016.

SECTION 2. Section 73-21-91, Mississippi Code of 1972, is amended as follows:

73-21-91. (1) Every pharmacist shall renew his license annually. To renew his license, a pharmacist shall:

(a) Submit an application for renewal on the form prescribed by the board;

(b) Submit satisfactory evidence of the completion in the last licensure period of such continuing education units as shall be required by the board, but in no case less than one (1) continuing education unit in the last licensure period;

(c) (i) Pay any renewal fees as required by the board, not to exceed One Hundred Dollars (\$100.00) for each annual licensing period, provided that the board may add a surcharge of not more than Five Dollars (\$5.00) to a license renewal fee to fund a program to aid impaired pharmacists or pharmacy students. Any pharmacist license renewal received postmarked after December 31 of the renewal period will be returned and a Fifty Dollar (\$50.00) late renewal fee will be assessed before renewal.

(ii) The license fee for a pharmacy benefit manager shall be set by the board, but shall not exceed Five Hundred Dollars (\$500.00). Any license renewal received postmarked after December 31 of the renewal period will be returned

2013 GENERAL LAWS OF MISSISSIPPI HB 777

and a Five Hundred Dollar (\$500.00) late renewal fee will be assessed before renewal.

(2) Any pharmacist who has defaulted in license renewal may be reinstated within two (2) years upon payment of renewal fees in arrears and presentation of evidence of the required continuing education. Any pharmacist defaulting in license renewal for a period in excess of two (2) years shall be required to successfully complete the examination given by the board pursuant to Section 73-21-85 before being eligible for reinstatement as a pharmacist in Mississippi, or shall be required to appear before the board to be examined for his competence and knowledge of the practice of pharmacy, and may be required to submit evidence of continuing education. If the person is found fit by the board to practice pharmacy in this state, the board may reinstate his license to practice pharmacy upon payment of all renewal fees in arrears.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

(4) This section shall stand repealed on July 1, 2016.

SECTION 3. Section 73-21-153, Mississippi Code of 1972, is amended as follows:

73-21-153. For purposes of Sections 73-21-151 through 73-21-159, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Board" means the State Board of Pharmacy.

(b) "Commissioner" means the Mississippi Commissioner of Insurance.

(c) "Day" means a calendar day, unless otherwise defined or limited.

(d) "Electronic claim" means the transmission of data for purposes of payment of covered prescription drugs, other products and supplies, and pharmacist services in an electronic data format specified by a pharmacy benefit manager and approved by the department.

(e) "Electronic adjudication" means the process of electronically receiving, reviewing and accepting or rejecting an electronic claim.

(f) "Enrollee" means an individual who has been enrolled in a pharmacy benefit management plan.

(g) "Health insurance plan" means benefits consisting of prescription drugs, other products and supplies, and pharmacist services provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as prescription drugs, other products and supplies, and pharmacist services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization agreement, or health maintenance organization contract offered by a health insurance issuer, unless preempted as an employee benefit plan under the Employee Retirement Income Security Act of 1974. However, "health insurance coverage" shall not include benefits due under the workers compensation laws of this or any other state.

(h) "Pharmacy benefit manager" * * * shall have the same definition as provided in Section 73-21-179. However, through June 30, 2014, the term "pharmacy benefit manager" shall not include an insurance company that provides an integrated health benefit plan and that does not separately contract for pharmacy benefit management services. From and after July 1, 2014, the term "pharmacy benefit manager" shall not include an insurance company unless the insurance company is providing services as a pharmacy benefit manager as defined in Section 73-21-179, in which case the insurance company shall be subject to Sections 73-21-151 through 73-21-159 only for those pharmacy benefit manager services. In addition, the term "pharmacy benefit manager" shall not include the pharmacy benefit manager of the Mississippi State and School Employees Health Insurance Plan or the Mississippi Division of Medicaid or its contractors when performing pharmacy benefit manager services for the Division of Medicaid * * *.

(i) "Pharmacy benefit management plan" * * * shall have the same definition as provided in Section 73-21-179.

(j) "Pharmacist," "pharmacist services" and "pharmacy" or "pharmacies" shall have the same definitions as provided in Section 73-21-73.

(k) "Uniform claim form" means a form prescribed by rule by the State Board of Pharmacy * * *; * * * however, * * * for purposes of Sections 73-21-151 through 73-21-159, the board shall adopt the same definition or rule where the

State Department of Insurance has adopted a rule covering the same type of claim. The board may modify the terminology of the rule and form when necessary to comply with the provisions of Sections 73-21-151 through 73-21-159.

(1) "Plan sponsors" means the employers, insurance companies, unions and health maintenance organizations that contract with a pharmacy benefit manager for delivery of prescription services.

SECTION 4. Section 73-21-157, Mississippi Code of 1972, is amended as follows:

73-21-157. (1) Before beginning to do business as a pharmacy benefit manager, a pharmacy benefit manager shall obtain a license to do business from the board. To obtain a license, the applicant shall submit an application to the board on a form to be prescribed by the board.

(2) Each pharmacy benefit manager providing pharmacy management benefit plans in this state shall file a statement with the board annually by March 1 or within sixty (60) days of the end of its fiscal year if not a calendar year. The statement shall be verified by at least two (2) principal officers and shall cover the preceding calendar year or the immediately preceding fiscal year of the pharmacy benefit manager.

(3) The statement shall be on forms prescribed by the board and shall include:

(a) A financial statement of the organization, including its balance sheet and income statement for the preceding year; and

(b) Any other information relating to the operations of the pharmacy benefit manager required by the board under this section.

However, no pharmacy benefit manager shall be required to disclose proprietary information of any kind to the board.

(4) If the pharmacy benefit manager is audited annually by an independent certified public accountant, a copy of the certified audit report shall be filed annually with the board by June 30 or within thirty (30) days of the report being final.

(5) The board may extend the time prescribed for any pharmacy benefit manager for filing annual statements or other reports or exhibits of any kind for good cause shown.

However, the board shall not extend the time for filing annual statements beyond sixty (60) days after the time prescribed by subsection (1) of this section. The board may waive the requirements for filing financial information for the pharmacy benefit manager if an affiliate of the pharmacy benefit manager is already required to file such information under current law with the Commissioner of Insurance and allow the pharmacy benefit manager to file a copy of documents containing such information with the board in lieu of the statement required by this section.

(6) The expense of administering this section shall be assessed annually by the board against all pharmacy benefit managers operating in this state.

(7) This section shall stand repealed on July 1, 2016.

SECTION 5. Section 73-21-159, Mississippi Code of 1972, is amended as follows:

73-21-159. (1) In lieu of or in addition to making its own financial examination of a pharmacy benefit manager, the board may accept the report of a financial examination of other persons responsible for the pharmacy benefit manager under the laws of another state certified by the applicable official of such other state.

(2) The board shall coordinate financial examinations of a pharmacy benefit manager that provides pharmacy management benefit plans in this state to ensure an appropriate level of regulatory oversight and to avoid any undue duplication of effort or regulation. The pharmacy benefit manager being examined shall pay the cost of the examination. The cost of the examination shall be deposited in a special fund that shall provide all expenses for the licensing, supervision and examination of all pharmacy benefit managers subject to regulation under Sections 73-21-71 through 73-21-129 and Sections 73-21-151 through 73-21-159.

(3) The board may provide a copy of the financial examination to the person or entity who provides or operates the health insurance plan or to a pharmacist or pharmacy.

(4) The board is authorized to hire independent financial consultants to conduct financial examinations of a pharmacy benefit manager and to expend funds collected under this section to pay the costs of such examinations.

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(5) This section shall stand repealed on July 1, 2016.

SECTION 6. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 826

Description: Strengthening Mississippi Academic Research Through Business Act; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 540

History of Actions:

- 1 01/21 (H) Referred To Ways and Means
- 2 02/05 (H) Title Suff Do Pass
- 3 02/06 (H) Passed {Vote}
- 4 02/07 (H) Transmitted To Senate
- 5 02/22 (S) Referred To Universities and Colleges;

Finance

- 6 02/28 (S) DR - TSDPAA: UC To FI
- 7 03/05 (S) Title Suff Do Pass As Amended
- 8 03/07 (S) Amended
- 9 03/07 (S) Passed As Amended {Vote}
- 10 03/08 (S) Returned For Concurrence
- 11 03/12 (H) Decline to Concur/Invite Conf
- 12 03/25 (H) Conferees Named Smith (39th), Rogers
(61st), Brown (20th)
- 13 03/27 (S) Conferees Named Polk, Fillingane, Tindell
- 14 03/29 (H) Conference Report Filed
- 15 03/29 (S) Conference Report Filed
- 16 03/30 (H) Conference Report Adopted {Vote}
- 17 04/02 (S) Conference Report Adopted {Vote}
- 18 04/08 (H) Enrolled Bill Signed
- 19 04/08 (S) Enrolled Bill Signed
- 20 04/23 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 826

Conference Reports:
Conference Report

----- **Additional Information** -----

House Committee: Ways and Means

Senate Committee: Universities and Colleges, Finance

Principal Author: Smith (39th)

Title: AN ACT TO BE KNOWN AS THE "STRENGTHENING MISSISSIPPI ACADEMIC RESEARCH THROUGH BUSINESS ACT"; TO DEFINE CERTAIN TERMS USED IN THE ACT; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO ISSUE A REBATE TO AN INVESTOR THAT INCURS QUALIFIED RESEARCH EXPENSES PURSUANT TO A RESEARCH AGREEMENT WITH A STATE INSTITUTION OF HIGHER LEARNING OR RESEARCH CORPORATION; TO ESTABLISH THE MAXIMUM REBATE AMOUNT AN INVESTOR MAY CLAIM AND THE MAXIMUM AMOUNT OF REBATES WHICH THE STATE MAY PAY ANNUALLY; TO AUTHORIZE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE DEPARTMENT OF REVENUE TO PROMULGATE RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE ACT; TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE ON REBATES ISSUED; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 826

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representative Smith (39th)

House Bill 826

(As Sent to Governor)

AN ACT TO BE KNOWN AS THE "STRENGTHENING MISSISSIPPI ACADEMIC RESEARCH THROUGH BUSINESS ACT"; TO DEFINE CERTAIN TERMS USED IN THE ACT; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO ISSUE A REBATE TO AN INVESTOR THAT INCURS QUALIFIED RESEARCH EXPENSES PURSUANT TO A RESEARCH AGREEMENT WITH A STATE INSTITUTION OF HIGHER LEARNING OR RESEARCH CORPORATION; TO ESTABLISH THE MAXIMUM REBATE AMOUNT AN INVESTOR MAY CLAIM AND THE MAXIMUM AMOUNT OF REBATES WHICH THE STATE MAY PAY ANNUALLY; TO AUTHORIZE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE DEPARTMENT OF REVENUE TO PROMULGATE RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE ACT; TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE ON REBATES ISSUED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Strengthening Mississippi Academic Research Through Business Act."

SECTION 2. As used in this act, the following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "College" means the state institutions of higher learning in Mississippi which are accredited by the Southern Association of Colleges and Schools.

(b) "Investor" means a natural person, partnership, limited liability company, association, corporation, business trust or other business entity, not formed for the specific purpose of acquiring the rebate offered, which is subject to Mississippi income tax or franchise tax.

(c) "Qualified research" means the systematic investigative process that is undertaken for the purpose of discovering information. The term "qualified research" does not include research conducted outside the State of Mississippi or research

to the extent funded by any grant, contract or otherwise by another person or governmental entity.

(d) "Research agreement" means a written contract, grant or cooperative agreement entered into between a person and a college or research corporation for the performance of qualified research; however, all qualified research costs generating a rebate must be spent by the college or research corporation on qualified research undertaken according to a research agreement.

(e) "Research corporation" means any research corporation formed under Section 37-147-15 if the corporation is wholly owned by a college and all income and profits of the corporation inure to the benefit of the college.

(f) "Qualified research costs" means costs paid or incurred by an investor to a college or research corporation for qualified research undertaken according to a research agreement.

(g) "State" means the State of Mississippi or a governmental entity of the State of Mississippi.

(h) "IHL" means the Board of Trustees of State Institutions of Higher Learning in Mississippi.

(i) "SMART Business" means Strengthening Mississippi Academic Research Through Business.

SECTION 3. (1) (a) Subject to the provisions of this act, an investor incurring qualified research costs subject to a research agreement is eligible for a rebate equal to twenty-five percent (25%) of the investor's qualified research costs.

(b) An investor incurring research costs may not claim a rebate pursuant to this act greater than One Million Dollars (\$1,000,000.00) in any fiscal year.

(c) The total amount of rebates issued under this act by the state in any fiscal year may not exceed Five Million Dollars (\$5,000,000.00).

(2) Investors desiring to apply for the rebate authorized by this act shall submit an application to IHL which must contain, at a minimum, the following:

(a) A description of the qualified research to be conducted by the college or research corporation;

(b) A proposed budget;

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(c) An estimated date for completion of the qualified research; and

(d) Such additional information as may be requested by IHL.

(3) IHL shall review each application to determine if the investor has satisfied all of the requirements of this section.

(4) Within sixty (60) days of receiving an application, IHL shall issue or refuse to issue a SMART Business certificate. The SMART Business certificate must include the amount of the rebate the investor is eligible to claim, subject to subsection (1) of this section. IHL must notify the Department of Revenue when a SMART Business certificate is issued.

(5) To claim a rebate, the investor must submit a rebate allocation claim to the Department of Revenue. The rebate allocation claim must include, at a minimum, the SMART Business certificate issued by IHL and proof of payment to the college or research corporation for qualified research conducted according to the research agreement.

(6) The Department of Revenue may request an audit from the investor submitting a rebate allocation claim, at the investor's expense, to verify the investor has satisfied the requirements of this act.

(7) The Department of Revenue shall issue rebates available under this section from current income tax collections.

(8) Rebates must be allocated to investors by the Department of Revenue in the order that SMART Business certificates are issued by IHL.

SECTION 4. IHL and the Department of Revenue each may promulgate, in accordance with the Mississippi Administrative Procedures Law, rules and regulations, application forms and any other forms necessary for the implementation and administration of this act.

SECTION 5. Before December 1 of each year, IHL shall file a report with the Governor, Secretary of the Senate and Clerk of the House of Representatives on the implementation of the Strengthening Mississippi Academic Research Through Business Act. For each research agreement where an investor was issued a SMART Business certificate during that year, the report must include, but not necessarily be limited to, the name of the

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investor and the rebate amount the investor was eligible to claim.

SECTION 6. This act shall take effect and be in force from and after July 1, 2013.

Mississippi Legislature
2013 Regular Session

House Bill 844

Description: Sales taxation; exempt sales of power or fuel to certain enterprises for industrial purposes.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: Revenue

Revenue: Yes

Vote type required: Three/Fifths

Effective date: July 1, 2014

Chapter Number: 537

History of Actions:

- 1 01/21 (H) Referred To Ways and Means
- 2 02/20 (H) Title Suff Do Pass
- 3 02/25 (H) Amended
- 4 02/25 (H) Passed As Amended {Vote}
- 5 02/25 (H) Motion to Reconsider Entered (Eaton, Smith
(39th), Rogers (61st))
- 6 02/26 (H) Motion to Reconsider Tabled
- 7 02/28 (H) Transmitted To Senate
- 8 03/04 (S) Referred To Finance
- 9 03/14 (S) Title Suff Do Pass As Amended
- 10 03/19 (S) Amended
- 11 03/19 (S) Passed As Amended {Vote}
- 12 03/20 (S) Returned For Concurrence
- 13 03/21 (H) Decline to Concur/Invite Conf
- 14 03/26 (H) Conferees Named Smith (39th), Rogers
(61st), Staples
- 15 03/27 (S) Conferees Named Fillingane, Kirby, Ward
- 16 03/29 (S) Conference Report Filed
- 17 03/29 (H) Conference Report Filed
- 18 03/30 (H) Conference Report Adopted {Vote}
- 19 03/31 (S) Conference Report Adopted {Vote}
- 20 04/10 (H) Enrolled Bill Signed
- 21 04/10 (S) Enrolled Bill Signed
- 22 04/23 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 2 *Adopted* Voice Vote

[H] Amendment No 3 No Action

[H] Amendment No 4 No Action

[H] Amendment No 5 Lost Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 844

Conference Reports:

| Conference Report

Code Section: A 027-0065-0107, A 027-0065-0019, A 027-0065-0075, A 027-0038-0005, A 019-0005-0343

----- Additional Information -----

House Committee: Ways and Means

Senate Committee: Finance

Principal Author: Smith (39th)

Additional Authors: Shirley

Title: AN ACT TO AMEND SECTION 27-65-107, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM SALES TAXATION SALES OF ELECTRICITY, CURRENT, POWER, STEAM, COAL, NATURAL GAS, LIQUEFIED PETROLEUM GAS OR OTHER FUEL TO A MANUFACTURER, CUSTOM PROCESSOR, TECHNOLOGY INTENSIVE ENTERPRISE OR PUBLIC SERVICE COMPANY FOR INDUSTRIAL PURPOSES; TO EXEMPT FROM SALES TAXATION SALES OF ELECTRICITY, CURRENT, POWER, STEAM, COAL, NATURAL GAS, LIQUEFIED PETROLEUM GAS OR OTHER FUEL TO A PRODUCER OR PROCESSOR FOR USE DIRECTLY IN THE PRODUCTION OF POULTRY OR POULTRY PRODUCTS, THE PRODUCTION OF LIVESTOCK AND LIVESTOCK PRODUCTS, THE PRODUCTION OF DOMESTICATED FISH AND DOMESTICATED FISH PRODUCTS, THE PRODUCTION OF MARINE AQUACULTURE PRODUCTS, THE PRODUCTION OF PLANTS OR FOOD BY COMMERCIAL HORTICULTURISTS, THE PROCESSING OF MILK AND MILK PRODUCTS, THE PROCESSING OF POULTRY AND LIVESTOCK FEED, AND THE IRRIGATION OF FARM CROPS; TO AMEND SECTIONS 27-65-19, AS AMENDED BY HOUSE BILL NO. 841, 2013 REGULAR SESSION, 27-65-75, AS AMENDED BY HOUSE BILL NO. 117, 2013 REGULAR SESSION, 27-38-5 AND 19-5-343, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 844

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representatives Smith (39th), Shirley

House Bill 844

(As Sent to Governor)

AN ACT TO AMEND SECTION 27-65-107, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM SALES TAXATION SALES OF ELECTRICITY, CURRENT, POWER, STEAM, COAL, NATURAL GAS, LIQUEFIED PETROLEUM GAS OR OTHER FUEL TO A MANUFACTURER, CUSTOM PROCESSOR, TECHNOLOGY INTENSIVE ENTERPRISE OR PUBLIC SERVICE COMPANY FOR INDUSTRIAL PURPOSES; TO EXEMPT FROM SALES TAXATION SALES OF ELECTRICITY, CURRENT, POWER, STEAM, COAL, NATURAL GAS, LIQUEFIED PETROLEUM GAS OR OTHER FUEL TO A PRODUCER OR PROCESSOR FOR USE DIRECTLY IN THE PRODUCTION OF POULTRY OR POULTRY PRODUCTS, THE PRODUCTION OF LIVESTOCK AND LIVESTOCK PRODUCTS, THE PRODUCTION OF DOMESTICATED FISH AND DOMESTICATED FISH PRODUCTS, THE PRODUCTION OF MARINE AQUACULTURE PRODUCTS, THE PRODUCTION OF PLANTS OR FOOD BY COMMERCIAL HORTICULTURISTS, THE PROCESSING OF MILK AND MILK PRODUCTS, THE PROCESSING OF POULTRY AND LIVESTOCK FEED, AND THE IRRIGATION OF FARM CROPS; TO AMEND SECTIONS 27-65-19, AS AMENDED BY HOUSE BILL NO. 841, 2013 REGULAR SESSION, 27-65-75, AS AMENDED BY HOUSE BILL NO. 117, 2013 REGULAR SESSION, 27-38-5 AND 19-5-343, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-65-107, Mississippi Code of 1972, is amended as follows:

27-65-107. The exemptions from the provisions of this chapter which relate to utilities or which are more properly classified as utility exemptions than any other exemption classification of this chapter shall be confined to those persons or property exempted by this section or by provisions of the Constitutions of the United States or the State of Mississippi. No utility exemption as now provided by any other section shall be valid as against the tax herein levied. Any subsequent utility exemption from the tax levied hereunder shall be provided by amendment to this section.

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No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972.

The tax levied by this chapter shall not apply to the following:

(a) Sales and rentals of locomotives, rail rolling stock and materials for their repair, locomotive water, when made to a railroad whose rates are fixed by the Interstate Commerce Commission or the Mississippi Public Service Commission.

(b) Rentals of manufacturing machinery to a manufacturer or custom processor where such manufacturer or custom processor is engaged in, and such machinery is used in, the manufacture of containers made from timber or wood for sale. The tax, likewise, shall not apply to replacement or repair parts of such machinery used in such manufacture.

(c) Sales of tangible personal property and services to nonprofit water associations or corporations in which no part of the net earnings inures to the benefit of any private shareholder, group or individual. Only sales of property or services which are ordinary and necessary to the operation of such organizations are exempt from tax.

(d) Wholesale sales of tangible personal property for resale under Section 27-65-19.

(e) From and after July 1, 2003, sales of fuel used to produce electric power by a company primarily engaged in the business of producing, generating or distributing electric power for sale.

(f) Sales of electricity, current, power, steam, coal, natural gas, liquefied petroleum gas or other fuel to a manufacturer, custom processor, technology intensive enterprise meeting the criteria provided for in Section 27-65-17(1) (f), or public service company for industrial purposes, which shall include that used to generate electricity, to operate an electrical distribution or transmission system, to operate pipeline compressor or pumping stations, or to operate railroad locomotives.

(g) Sales of electricity, current, power, steam, coal, natural gas, liquefied petroleum gas or other fuel to a producer or processor for use directly in the production of poultry or poultry products, the production of livestock and livestock

products, the production of domesticated fish and domesticated fish products, the production of marine aquaculture products, the production of plants or food by commercial horticulturists, the processing of milk and milk products, the processing of poultry and livestock feed, and the irrigation of farm crops.

(h) Sales of electricity, current, power, steam, coal, natural gas, liquefied gas or other fuel to a commercial fisherman, shrimper or oysterman.

SECTION 2. Section 27-65-19, Mississippi Code of 1972, as amended by House Bill No. 841, 2013 Regular Session, is amended as follows:

27-65-19. (1) (a) (i) Except as otherwise provided in this subsection, upon every person selling to consumers, electricity, current, power, potable water, steam, coal, natural gas, liquefied petroleum gas or other fuel, there is hereby levied, assessed and shall be collected a tax equal to seven percent (7%) of the gross income of the business. Provided, gross income from sales to consumers of electricity, current, power, natural gas, liquefied petroleum gas or other fuel for residential heating, lighting or other residential noncommercial or nonagricultural use, and sales of potable water for residential, noncommercial or nonagricultural use shall be excluded from taxable gross income of the business. Provided further, upon every such seller using electricity, current, power, potable water, steam, coal, natural gas, liquefied petroleum gas or other fuel for nonindustrial purposes, there is hereby levied, assessed and shall be collected a tax equal to seven percent (7%) of the cost or value of the product or service used.

(ii) Gross income from sales to a church that is exempt from federal income taxation under 26 USCS Section 501(c) (3) of electricity, current, power, natural gas, liquefied petroleum gas or other fuel for heating, lighting or other use, and sales of potable water to such a church shall be excluded from taxable gross income of the business if the electricity, current, power, natural gas, liquefied petroleum gas or potable water is utilized on property that is primarily used for religious or educational purposes.

(b) (i) There is hereby levied, assessed and shall be collected a tax equal to one and one-half percent (1-1/2%) of the gross income of the business* * * from the sale of

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naturally occurring carbon dioxide and anthropogenic carbon dioxide lawfully injected into the earth for:

1. Use in an enhanced oil recovery project, including, but not limited to, use for cycling, repressuring or lifting of oil; or

2. Permanent sequestration in a geological formation.

(* * *ii) The one and one-half percent (1-1/2%) * * * rate provided for in this subsection shall * * * apply * * * to electricity, current, power, steam, coal, natural gas, liquefied petroleum gas or other fuel that is sold to a producer of oil and gas for use directly in enhanced oil recovery using carbon dioxide and/or the permanent sequestration of carbon dioxide in a geological formation.

(* * *c) The one and one-half percent (1-1/2%) rate provided for in this subsection shall not apply to sales of fuel for automobiles, trucks, truck-tractors, buses, farm tractors or airplanes.

(* * *d) (i) Upon every person providing services in this state, there is hereby levied, assessed and shall be collected:

1. A tax equal to seven percent (7%) of the gross income received from all charges for intrastate telecommunications services.

2. A tax equal to seven percent (7%) of the gross income received from all charges for interstate telecommunications services.

3. A tax equal to seven percent (7%) of the gross income received from all charges for international telecommunications services.

4. A tax equal to seven percent (7%) of the gross income received from all charges for ancillary services.

5. A tax equal to seven percent (7%) of the gross income received from all charges for products delivered electronically, including, but not limited to, software, music, games, reading materials or ring tones.

(ii) A person, upon proof that he has paid a tax in another state on an event described in subparagraph (i) of this paragraph (* * *d), shall be allowed a credit against the tax imposed in this paragraph (* * *d) on interstate

telecommunications service charges to the extent that the amount of such tax is properly due and actually paid in such other state and to the extent that the rate of sales tax imposed by and paid in such other state does not exceed the rate of sales tax imposed by this paragraph (* * *d).

(iii) Charges by one (1) telecommunications provider to another telecommunications provider holding a permit issued under Section 27-65-27 for services that are resold by such other telecommunications provider, including, but not limited to, access charges, shall not be subject to the tax levied pursuant to this paragraph (* * *d).

(iv) For purposes of this paragraph (* * *d):

1. "Telecommunications service" means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between points. The term "telecommunications service" includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such service is referred to as voice over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added. The term "telecommunications service" shall not include:

a. Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

b. Installation or maintenance of wiring or equipment on a customer's premises;

c. Tangible personal property;

d. Advertising, including, but not limited to, directory advertising;

e. Billing and collection services provided to third parties;

f. Internet access service;

g. Radio and television audio and video programming services regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by

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the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 USCS 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;

h. Ancillary services; or

i. Digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

2. "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail service.

a. "Conference bridging" means an ancillary service that links two (2) or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging does not include the telecommunications services used to reach the conference bridge.

b. "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

c. "Directory assistance" means an ancillary service of providing telephone number information and/or address information.

d. "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

e. "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

3. "Intrastate" means telecommunications service that originates in one (1) United States state or United

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States territory or possession, and terminates in the same United States state or United States territory or possession.

4. "Interstate" means a telecommunications service that originates in one (1) United States state or United States territory or possession, and terminates in a different United States state or United States territory or possession.

5. "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively.

(v) For purposes of paragraph (* * *d), the following sourcing rules shall apply:

1. Except for the defined telecommunications services in item 3 of this subparagraph, the sales of telecommunications services sold on a call-by-call basis shall be sourced to:

a. Each level of taxing jurisdiction where the call originates and terminates in that jurisdiction, or

b. Each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

2. Except for the defined telecommunications services in item 3 of this subparagraph, a sale of telecommunications services sold on a basis other than a call-by-call basis, is sourced to the customer's place of primary use.

3. The sale of the following telecommunications services shall be sourced to each level of taxing jurisdiction as follows:

a. A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service is sourced to the customer's place of primary use as required by the Mobile Telecommunication Sourcing Act.

A. A home service provider shall be responsible for obtaining and maintaining the customer's place of primary use. The home service provider shall be entitled to rely on the applicable residential or business street address supplied by such customer, if the home service provider's reliance is in good faith; and the home service provider shall be held harmless from liability for any additional taxes based on a different determination of the place of primary use for taxes that are customarily passed on to the customer as a separate

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itemized charge. A home service provider shall be allowed to treat the address used for purposes of the tax levied by this chapter for any customer under a service contract in effect on August 1, 2002, as that customer's place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement. Month-to-month services provided after the expiration of a contract shall be treated as an extension or renewal of such contract or agreement.

B. If the commissioner determines that the address used by a home service provider as a customer's place of primary use does not meet the definition of the term "place of primary use" as defined in subitem a.A. of this item 3, the commissioner shall give binding notice to the home service provider to change the place of primary use on a prospective basis from the date of notice of determination; however, the customer shall have the opportunity, prior to such notice of determination, to demonstrate that such address satisfies the definition.

C. The department has the right to collect any taxes due directly from the home service provider's customer that has failed to provide an address that meets the definition of the term "place of primary use" which resulted in a failure of tax otherwise due being remitted.

b. A sale of postpaid calling service is sourced to the origination point of the telecommunications signal as first identified by either:

A. The seller's telecommunications system; or

B. Information received by the seller from its service provider, where the system used to transport such signals is not that of the seller.

c. A sale of a prepaid calling service or prepaid wireless calling service shall be subject to the tax imposed by this paragraph if the sale takes place in this state. If the customer physically purchases a prepaid calling service or prepaid wireless calling service at the vendor's place of business, the sale is deemed to take place at the vendor's place of business. If the customer does not physically purchase the service at the vendor's place of business, the sale of a prepaid calling card or prepaid wireless calling card is deemed to take place at the first of the following locations that applies to the sale:

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A. The customer's shipping address, if the sale involves a shipment;

B. The customer's billing address;

C. Any other address of the customer that is known by the vendor; or

D. The address of the vendor, or alternatively, in the case of a prepaid wireless calling service, the location associated with the mobile telephone number.

4. A sale of a private communication service is sourced as follows:

a. Service for a separate charge related to a customer channel termination point is sourced to each level of jurisdiction in which such customer channel termination point is located.

b. Service where all customer termination points are located entirely within one (1) jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer channel termination points are located.

c. Service for segments of a channel between two (2) customer channel termination points located in different jurisdictions and which segments of a channel are separately charged is sourced fifty percent (50%) in each level of jurisdiction in which the customer channel termination points are located.

d. Service for segments of a channel located in more than one (1) jurisdiction or levels of jurisdiction and which segments are not separately billed is sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

5. A sale of ancillary services is sourced to the customer's place of primary use.

(vi) For purposes of subparagraph (v) of this paragraph (* * d):

1. "Air-to-ground radiotelephone service" means a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide

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radio telecommunications service for hire to subscribers in aircraft.

2. "Call-by-call basis" means any method of charging for telecommunications services where the price is measured by individual calls.

3. "Communications channel" means a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points.

4. "Customer" means the person or entity that contracts with the seller of telecommunications services. If the end user of telecommunications services is not the contracting party, the end user of the telecommunications service is the customer of the telecommunications service. Customer does not include a reseller of telecommunications service or for mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area.

5. "Customer channel termination point" means the location where the customer either inputs or receives the communications.

6. "End user" means the person who utilizes the telecommunications service. In the case of an entity, "end user" means the individual who utilizes the service on behalf of the entity.

7. "Home service provider" has the meaning ascribed to such term in Section 124(5) of Public Law 106-252 (Mobile Telecommunications Sourcing Act).

8. "Mobile telecommunications service" has the meaning ascribed to such term in Section 124(7) of Public Law 106-252 (Mobile Telecommunications Sourcing Act).

9. "Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, the place of primary use must be within the licensed service area of the home service provider.

10. "Post-paid calling service" means the telecommunications service obtained by making a payment on

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a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service that would be a prepaid calling service except it is not exclusively a telecommunications service.

11. "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

12. "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary service, which must be paid for in advance that is sold in predetermined units or dollars of which the number declines with use in a known amount.

13. "Private communication service" means a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations and any other associated services that are provided in connection with the use of such channel or channels.

14. "Service address" means:

a. The location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid.

b. If the location in subitem a of this item 14 is not known, the origination point of the signal of the telecommunications services first identified by either the seller's telecommunications system or in information received

by the seller from its service provider, where the system used to transport such signals is not that of the seller.

c. If the location in subitems a and b of this item 14 are not known, the location of the customer's place of primary use.

(vii) 1. For purposes of this subparagraph (vii), "bundled transaction" means a transaction that consists of distinct and identifiable properties or services which are sold for a single nonitemized price but which are treated differently for tax purposes.

2. In the case of a bundled transaction that includes telecommunications services, ancillary services, Internet access, or audio or video programming services taxed under this chapter in which the price of the bundled transaction is attributable to properties or services that are taxable and nontaxable, the portion of the price that is attributable to any nontaxable property or service shall be subject to the tax unless the provider can reasonably identify that portion from its books and records kept in the regular course of business.

3. In the case of a bundled transaction that includes telecommunications services, ancillary services, Internet access, audio or video programming services subject to tax under this chapter in which the price is attributable to properties or services that are subject to the tax but the tax revenue from the different properties or services are dedicated to different funds or purposes, the provider shall allocate the price among the properties or services:

a. By reasonably identifying the portion of the price attributable to each of the properties and services from its books and records kept in the regular course of business; or

b. Based on a reasonable allocation methodology approved by the department.

4. This subparagraph (vii) shall not create a right of action for a customer to require that the provider or the department, for purposes of determining the amount of tax applicable to a bundled transaction, allocate the price to the different portions of the transaction in order to minimize the amount of tax charged to the customer. A customer shall not be entitled to rely on the fact that a portion of the price is attributable to properties or services not subject to tax

unless the provider elects, after receiving a written request from the customer in the form required by the provider, to provide verifiable data based upon the provider's books and records that are kept in the regular course of business that reasonably identifies the portion of the price attributable to the properties or services not subject to the tax.

(2) Persons making sales to consumers of electricity, current, power, natural gas, liquefied petroleum gas or other fuel for residential heating, lighting or other residential noncommercial or nonagricultural use or sales of potable water for residential, noncommercial or nonagricultural use shall indicate on each statement rendered to customers that such charges are exempt from sales taxes.

(3) There is hereby levied, assessed and shall be paid on transportation charges on shipments moving between points within this state when paid directly by the consumer, a tax equal to the rate applicable to the sale of the property being transported. Such tax shall be reported and paid directly to the Department of Revenue by the consumer.

SECTION 3. Section 27-65-75, Mississippi Code of 1972, as amended by House Bill No. 117, 2013 Regular Session, is amended as follows:

27-65-75. On or before the fifteenth day of each month, the revenue collected under the provisions of this chapter during the preceding month shall be paid and distributed as follows:

(1) (a) On or before August 15, 1992, and each succeeding month thereafter through July 15, 1993, eighteen percent (18%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. On or before August 15, 1993, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation.

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A municipal corporation, for the purpose of distributing the tax under this subsection, shall mean and include all incorporated cities, towns and villages.

Monies allocated for distribution and credited to a municipal corporation under this paragraph may be pledged as security for a loan if the distribution received by the municipal corporation is otherwise authorized or required by law to be pledged as security for such a loan.

In any county having a county seat that is not an incorporated municipality, the distribution provided under this subsection shall be made as though the county seat was an incorporated municipality; however, the distribution to the municipality shall be paid to the county treasury in which the municipality is located, and those funds shall be used for road, bridge and street construction or maintenance in the county.

(b) On or before August 15, 2006, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities on the campus of a state institution of higher learning or community or junior college whose campus is not located within the corporate limits of a municipality, shall be allocated for distribution to the state institution of higher learning or community or junior college and paid to the state institution of higher learning or community or junior college.

(2) On or before September 15, 1987, and each succeeding month thereafter, from the revenue collected under this chapter during the preceding month, One Million One Hundred Twenty-five Thousand Dollars (\$1,125,000.00) shall be allocated for distribution to municipal corporations as defined under subsection (1) of this section in the proportion that the number of gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in each such municipality during the preceding fiscal year bears to the total gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in municipalities statewide during the preceding fiscal year. The Department of Revenue shall require all distributors of gasoline and diesel fuel to report to the department monthly the total number of gallons of gasoline and diesel fuel sold by them to consumers and retailers in each municipality during

the preceding month. The Department of Revenue shall have the authority to promulgate such rules and regulations as is necessary to determine the number of gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in each municipality. In determining the percentage allocation of funds under this subsection for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the Department of Revenue may consider gallons of gasoline and diesel fuel sold for a period of less than one (1) fiscal year. For the purposes of this subsection, the term "fiscal year" means the fiscal year beginning July 1 of a year.

(3) On or before September 15, 1987, and on or before the fifteenth day of each succeeding month, until the date specified in Section 65-39-35, the proceeds derived from contractors' taxes levied under Section 27-65-21 on contracts for the construction or reconstruction of highways designated under the highway program created under Section 65-3-97 shall, except as otherwise provided in Section 31-17-127, be deposited into the State Treasury to the credit of the State Highway Fund to be used to fund that highway program. The Mississippi Department of Transportation shall provide to the Department of Revenue such information as is necessary to determine the amount of proceeds to be distributed under this subsection.

(4) On or before August 15, 1994, and on or before the fifteenth day of each succeeding month through July 15, 1999, from the proceeds of gasoline, diesel fuel or kerosene taxes as provided in Section 27-5-101(a)(ii)1, Four Million Dollars (\$4,000,000.00) shall be deposited in the State Treasury to the credit of a special fund designated as the "State Aid Road Fund," created by Section 65-9-17. On or before August 15, 1999, and on or before the fifteenth day of each succeeding month, from the total amount of the proceeds of gasoline, diesel fuel or kerosene taxes apportioned by Section 27-5-101(a)(ii)1, Four Million Dollars (\$4,000,000.00) or an amount equal to twenty-three and one-fourth percent (23-1/4%) of those funds, whichever is the greater amount, shall be deposited in the State Treasury to the credit of the "State Aid Road Fund," created by Section 65-9-17. Those funds shall be pledged to pay the principal of and interest on state aid road bonds heretofore issued under Sections 19-9-51 through 19-9-77, in lieu of and in substitution for the funds previously allocated to counties under this section. Those funds may not be pledged for the payment of any state aid road

bonds issued after April 1, 1981; however, this prohibition against the pledging of any such funds for the payment of bonds shall not apply to any bonds for which intent to issue those bonds has been published for the first time, as provided by law before March 29, 1981. From the amount of taxes paid into the special fund under this subsection and subsection (9) of this section, there shall be first deducted and paid the amount necessary to pay the expenses of the Office of State Aid Road Construction, as authorized by the Legislature for all other general and special fund agencies. The remainder of the fund shall be allocated monthly to the several counties in accordance with the following formula:

(a) One-third (1/3) shall be allocated to all counties in equal shares;

(b) One-third (1/3) shall be allocated to counties based on the proportion that the total number of rural road miles in a county bears to the total number of rural road miles in all counties of the state; and

(c) One-third (1/3) shall be allocated to counties based on the proportion that the rural population of the county bears to the total rural population in all counties of the state, according to the latest federal decennial census.

For the purposes of this subsection, the term "gasoline, diesel fuel or kerosene taxes" means such taxes as defined in paragraph (f) of Section 27-5-101.

The amount of funds allocated to any county under this subsection for any fiscal year after fiscal year 1994 shall not be less than the amount allocated to the county for fiscal year 1994.

Any reference in the general laws of this state or the Mississippi Code of 1972 to Section 27-5-105 shall mean and be construed to refer and apply to subsection (4) of Section 27-65-75.

(5) One Million Six Hundred Sixty-six Thousand Six Hundred Sixty-six Dollars (\$1,666,666.00) each month shall be paid into the special fund known as the "State Public School Building Fund" created and existing under the provisions of Sections 37-47-1 through 37-47-67. Those payments into that fund are to be made on the last day of each succeeding month hereafter.

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(6) An amount each month beginning August 15, 1983, through November 15, 1986, as specified in Section 6 of Chapter 542, Laws of 1983, shall be paid into the special fund known as the Correctional Facilities Construction Fund created in Section 6 of Chapter 542, Laws of 1983.

(7) On or before August 15, 1992, and each succeeding month thereafter through July 15, 2000, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited by the department into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35. On or before August 15, 2000, and each succeeding month thereafter, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35 until such time that the total amount deposited into the fund during a fiscal year equals Forty-two Million Dollars (\$42,000,000.00). Thereafter, the amounts diverted under this subsection (7) during the fiscal year in excess of Forty-two Million Dollars (\$42,000,000.00) shall be deposited into the Education Enhancement Fund created under Section 37-61-33 for appropriation by the Legislature as other education needs and shall not be subject to the percentage appropriation requirements set forth in Section 37-61-33.

(8) On or before August 15, 1992, and each succeeding month thereafter, nine and seventy-three one-thousandths percent (9.073%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the Education Enhancement Fund created under Section 37-61-33.

(9) On or before August 15, 1994, and each succeeding month thereafter, from the revenue collected under this chapter during the preceding month, Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be paid into the State Aid Road Fund.

(10) On or before August 15, 1994, and each succeeding month thereafter through August 15, 1995, from the revenue collected under this chapter during the preceding month, Two

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Million Dollars (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(11) Notwithstanding any other provision of this section to the contrary, on or before February 15, 1995, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(2) and the corresponding levy in Section 27-65-23 on the rental or lease of private carriers of passengers and light carriers of property as defined in Section 27-51-101 shall be deposited, without diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(12) Notwithstanding any other provision of this section to the contrary, on or before August 15, 1995, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(1) on retail sales of private carriers of passengers and light carriers of property, as defined in Section 27-51-101 and the corresponding levy in Section 27-65-23 on the rental or lease of these vehicles, shall be deposited, after diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(13) On or before July 15, 1994, and on or before the fifteenth day of each succeeding month thereafter, that portion of the avails of the tax imposed in Section 27-65-22 that is derived from activities held on the Mississippi State Fairgrounds Complex shall be paid into a special fund that is created in the State Treasury and shall be expended upon legislative appropriation solely to defray the costs of repairs and renovation at the Trade Mart and Coliseum.

(14) On or before August 15, 1998, and each succeeding month thereafter through July 15, 2005, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited in an amount not to exceed Two Million Dollars (\$2,000,000.00) into the special fund created under Section 69-37-39. On or before August 15, 2007, and each succeeding month thereafter through July 15, 2010, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and

that would otherwise be paid into the General Fund shall be deposited in an amount not to exceed Two Million Dollars (\$2,000,000.00) into the special fund created under Section 69-37-39 until all debts or other obligations incurred by the Certified Cotton Growers Organization under the Mississippi Boll Weevil Management Act before January 1, 2007, are satisfied in full. On or before August 15, 2010, and each succeeding month thereafter through July 15, 2011, fifty percent (50%) of that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited into the special fund created under Section 69-37-39 until such time that the total amount deposited into the fund during a fiscal year equals One Million Dollars (\$1,000,000.00). On or before August 15, 2011, and each succeeding month thereafter, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited into the special fund created under Section 69-37-39 until such time that the total amount deposited into the fund during a fiscal year equals One Million Dollars (\$1,000,000.00).

(15) Notwithstanding any other provision of this section to the contrary, on or before September 15, 2000, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-19(1) (* * *d) (i)2, and 27-65-19(* * *d) (i)3 shall be deposited, without diversion, into the Telecommunications Ad Valorem Tax Reduction Fund established in Section 27-38-7.

(16) (a) On or before August 15, 2000, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of this chapter on the gross proceeds of sales of a project as defined in Section 57-30-1 shall be deposited, after all diversions except the diversion provided for in subsection (1) of this section, into the Sales Tax Incentive Fund created in Section 57-30-3.

(b) On or before August 15, 2007, and each succeeding month thereafter, eighty percent (80%) of the sales tax revenue collected during the preceding month under the provisions of this chapter from the operation of a tourism project under the provisions of Sections 57-26-1 through 57-26-5, shall be

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deposited, after the diversions required in subsections (7) and (8) of this section, into the Tourism Project Sales Tax Incentive Fund created in Section 57-26-3.

(17) Notwithstanding any other provision of this section to the contrary, on or before April 15, 2002, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under Section 27-65-23 on sales of parking services of parking garages and lots at airports shall be deposited, without diversion, into the special fund created under Section 27-5-101(d).

(18) [Repealed]

(19) (a) On or before August 15, 2005, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of this chapter on the gross proceeds of sales of a business enterprise located within a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11, and the revenue collected on the gross proceeds of sales from sales made to a business enterprise located in a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11 (provided that such sales made to a business enterprise are made on the premises of the business enterprise), shall, except as otherwise provided in this subsection (19), be deposited, after all diversions, into the Redevelopment Project Incentive Fund as created in Section 57-91-9.

(b) For a municipality participating in the Economic Redevelopment Act created in Sections 57-91-1 through 57-91-11, the diversion provided for in subsection (1) of this section attributable to the gross proceeds of sales of a business enterprise located within a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11, and attributable to the gross proceeds of sales from sales made to a business enterprise located in a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11 (provided that such sales made to a business enterprise are made on the premises of the business enterprise), shall be deposited into the Redevelopment Project Incentive Fund as created in Section 57-91-9, as follows:

(i) For the first six (6) years in which payments are made to a developer from the Redevelopment Project Incentive Fund, one hundred percent (100%) of the diversion shall be deposited into the fund;

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(ii) For the seventh year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, eighty percent (80%) of the diversion shall be deposited into the fund;

(iii) For the eighth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, seventy percent (70%) of the diversion shall be deposited into the fund;

(iv) For the ninth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, sixty percent (60%) of the diversion shall be deposited into the fund; and

(v) For the tenth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, fifty percent (50%) of the funds shall be deposited into the fund.

(20) On or before January 15, 2007, and each succeeding month thereafter, eighty percent (80%) of the sales tax revenue collected during the preceding month under the provisions of this chapter from the operation of a tourism project under the provisions of Sections 57-28-1 through 57-28-5 shall be deposited, after the diversions required in subsections (7) and (8) of this section, into the Tourism Sales Tax Incentive Fund created in Section 57-28-3.

(21) (a) On or before April 15, 2007, and each succeeding month thereafter through June 15, 2013, One Hundred Fifty Thousand Dollars (\$150,000.00) of the sales tax revenue collected during the preceding month under the provisions of this chapter shall be deposited into the MMEIA Tax Incentive Fund created in Section 57-101-3.

(b) On or before July 15, 2013, and each succeeding month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00) of the sales tax revenue collected during the preceding month under the provisions of this chapter shall be deposited into the Mississippi Development Authority Job Training Grant Fund created in Section 1 of this act.

(22) Notwithstanding any other provision of this section to the contrary, on or before August 15, 2009, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-201 shall be deposited, without diversion, into the

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Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(23) The remainder of the amounts collected under the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.

(24) It shall be the duty of the municipal officials of any municipality that expands its limits, or of any community that incorporates as a municipality, to notify the commissioner of that action thirty (30) days before the effective date. Failure to so notify the commissioner shall cause the municipality to forfeit the revenue that it would have been entitled to receive during this period of time when the commissioner had no knowledge of the action. If any funds have been erroneously disbursed to any municipality or any overpayment of tax is recovered by the taxpayer, the commissioner may make correction and adjust the error or overpayment with the municipality by withholding the necessary funds from any later payment to be made to the municipality.

SECTION 4. Section 27-38-5, Mississippi Code of 1972, is amended as follows:

27-38-5. (1) With respect to ad valorem taxes becoming due after January 1, 2001, every person providing telecommunications services subject to sales tax under * * * Section 27-65-19(1) (d), Mississippi Code of 1972, and which operates in more than six (6) counties, shall be entitled to a refund from the State of Mississippi in an amount equal to fifty percent (50%) of the aggregate amount of the ad valorem tax paid by such person on Class IV property, as defined in Section 112, Mississippi Constitution of 1890, to local taxing districts.

(2) On or before March 15, 2001, and on or before March 15 of each year thereafter, the * * * Department of Revenue shall pay all refunds to which telecommunications service providers are entitled under the provisions of subsection (1) of this section for ad valorem taxes that became due on or before the first day of February immediately preceding March 15.

(3) The payments made pursuant to subsection (2) of this section shall be paid by the * * * Department of Revenue exclusively out of the Telecommunications Ad Valorem Tax Reduction Fund created pursuant to Section 27-38-7. To the extent that the amount contained in such fund does not equal or exceed the payments prescribed by this section, such

payments shall be proportionately reduced by the amount of the shortfall; provided, however, that any reduction shall be carried forward and paid to the respective telecommunications service provider in any succeeding taxable year or years in which monies remain in the fund after payment of all refunds pursuant to subsection (2) of this section for such year. The * * * Department of Revenue shall determine the amount of any reductions pursuant to this subsection.

(4) On or before April 15, 2001, and on or before April 15 of each year thereafter, amounts in the Telecommunications Ad Valorem Tax Reduction Fund, which are in excess of the amounts necessary to pay all refunds pursuant to subsection (2) of this section and all amounts carried forward pursuant to subsection (3) of this section shall be transferred into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

SECTION 5. Section 19-5-343, Mississippi Code of 1972, is amended as follows:

19-5-343. (1) **Definitions.** For purposes of this section, the following terms shall have the following meanings:

(a) "Consumer" means a person who purchases prepaid wireless telecommunications service in a retail transaction.

(b) "Department" means the Mississippi Department of Revenue.

(c) "Prepaid wireless E911 charge" means the charge that is required to be collected by a seller from a consumer in the amount established under subsection (2).

(d) "Prepaid wireless telecommunications service" means a wireless telecommunications service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount.

(e) "Provider" means a person who provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

(f) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

(g) "Seller" means a person who sells prepaid wireless telecommunications service to another person.

(h) "Wireless telecommunications service" means commercial mobile radio service as defined by Section 20.3 of Title 47 of the Code of Federal Regulations, as amended.

(2) **Collection and remittance of E911 charge.** (a) Amount of Charge. The prepaid wireless E911 charge shall be One Dollar (\$1.00) per retail transaction.

(b) Collection of charge. The prepaid wireless E911 charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless E911 charge shall be either separately stated on an invoice, receipt or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

(c) Application of charge. For purposes of paragraph (b) of this subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of Section 27-65-19(1) (* * *d) (v) 3.c.

(d) Liability for charge. The prepaid wireless E911 charge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless E911 charges that the seller collects from consumers as provided in subsection (3), including all such charges that the seller is deemed to have collected where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(e) Exclusion of E911 charge from base of other taxes and fees. The amount of the prepaid wireless E911 charge that is collected by a seller from a consumer, whether or not such amount is separately stated on an invoice, receipt or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge or other charge that is imposed by this state, any political subdivision of this state or any intergovernmental agency.

(f) Resetting of charge. The prepaid wireless E911 charge shall be increased or reduced, as applicable, upon

any change to the state E911 charge on postpaid wireless telecommunications service under Section 19-5-333. Such increase or reduction shall be effective on the effective date of the change to the postpaid charge or, if later, the first day of the first calendar month to occur at least sixty (60) days after the enactment of the change to the postpaid charge. The department shall provide not less than thirty (30) days of advance notice of such increase or reduction on the commission's website.

(3) **Administration of E911 charge.** (a) Time and manner of payment. Prepaid wireless E911 charges collected by sellers shall be remitted to the department at the times and in the manner provided by Chapter 65 of Title 27 with respect to sales and use taxes. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply to Chapter 65 of Title 27.

(b) Seller administrative deduction. A seller shall be permitted to deduct and retain two percent (2%) of prepaid wireless E911 charges that are collected by the seller from consumers.

(c) Audit and appeal procedures. The audit and appeal procedures applicable to Chapter 65 of Title 27 shall apply to prepaid wireless E911 charges.

(d) Exemption documentation. The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use tax purposes under Chapter 65 of Title 27.

(e) Disposition of remitted charges. The department shall pay all remitted prepaid wireless E911 charges over to the Commercial Mobile Radio Service Emergency Telephone Services Board within thirty (30) days of receipt, for use by the board in accordance with the purposes permitted by Section 19-5-333, after deducting an amount, not to exceed two percent (2%) of collected charges, that shall be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless E911 charges. The amount of the distribution shall be determined by dividing the population of the communications district by the state

population, and then multiplying that quotient times the total revenues remitted to the department after deducting the amount authorized in this subsection.

(4) **No Liability.** (a) No liability regarding 911 service. No provider or seller of prepaid wireless telecommunications service shall be liable for damages to any person resulting from or incurred in connection with the provision of, or failure to provide, 911 or E911 service, or for identifying, or failing to identify, the telephone number, address, location or name associated with any person or device that is accessing or attempting to access 911 or E911 service.

(b) No provider of prepaid wireless service shall be liable for damages to any person or entity resulting from or incurred in connection with the provider's provision of assistance to any investigative or law enforcement officer of the United States, this or any other state, or any political subdivision of this or any other state, in connection with any investigation or other law enforcement activity by such law enforcement officer that the provider believes in good faith to be lawful.

(c) Incorporation of postpaid 911 liability protection. In addition to the protection from liability provided by paragraphs (a) and (b) of this subsection, each provider and seller shall be entitled to the further protection from liability, if any, that is provided to providers and sellers of wireless telecommunications service that is not prepaid wireless telecommunications service pursuant to Section 19-5-361.

(5) **Exclusivity of prepaid wireless E911 charge.** The prepaid wireless E911 charge imposed by this section shall be the only E911 governmental funding obligation imposed with respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for E911 funding purposes, upon any provider, seller or consumer with respect to the sale, purchase, use or provision of prepaid wireless telecommunications service.

(6) Notwithstanding any other method or formula of collection and/or distribution of the emergency telephone service charges as specified in this section and as such collection and/or distribution method or formula is specified

in this section, a provider may collect and distribute the said charges in any other manner applicable to satisfy the intent and requirements of this section.

SECTION 6. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the sales tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the sales tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws.

SECTION 7. This act shall take effect and be in force from and after July 1, 2014.

**Mississippi Legislature
2013 Regular Session**

House Bill 896

Description: MS Speech-Language Therapy Scholarship for Students with Speech-Language Impairments; create to provide students with school choice.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 564

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (H) | Referred To Education |
| 2 | 01/31 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 02/13 | (H) | Committee Substitute Adopted |
| 4 | 02/13 | (H) | Amended |
| 5 | 02/13 | (H) | Passed As Amended {Vote} |
| 6 | 02/18 | (H) | Transmitted To Senate |
| 7 | 02/20 | (S) | Referred To Education; Appropriations |
| 8 | 03/05 | (S) | DR - TSDPAA: ED To AP |
| 9 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 10 | 03/13 | (S) | Amended |
| 11 | 03/13 | (S) | Passed As Amended {Vote} |
| 12 | 03/15 | (S) | Returned For Concurrence |
| 13 | 03/18 | (H) | Decline to Concur/Invite Conf |
| 14 | 03/25 | (H) | Conferees Named Moore, Barker, Crawford |
| 15 | 03/25 | (S) | Conferees Named Tollison, Collins, Hopson |
| 16 | 04/01 | (S) | Conference Report Filed |
| 17 | 04/01 | (H) | Conference Report Filed |
| 18 | 04/02 | (H) | Recommitted For Further Conf |
| 19 | 04/02 | (S) | Recommitted For Further Conf |
| 20 | 04/03 | (H) | Conference Report Filed |
| 21 | 04/03 | (S) | Conference Report Filed |
| 22 | 04/04 | (H) | Conference Report Adopted {Vote} |
| 23 | 04/04 | (S) | Conference Report Adopted {Vote} |
| 24 | 04/09 | (S) | Enrolled Bill Signed |

2013 GENERAL LAWS OF MISSISSIPPI HB 896

25 04/09 (H) Enrolled Bill Signed
26 04/25 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub) *Adopted* Voice Vote
[S] Committee Amendment No 1 *Adopted* Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 896

Conference Reports:

Conference Report

Conference Report # 2

----- Additional Information -----

House Committee: Education

Senate Committee: Education, Appropriations

Principal Author: Barker

Additional Authors: Buck (72nd), Miles, Bounds, Brown (20th)

Title: AN ACT TO ESTABLISH THE MISSISSIPPI SPEECH-LANGUAGE THERAPY SCHOLARSHIP FOR STUDENTS WITH SPEECH-LANGUAGE IMPAIRMENTS PROGRAM; TO DEFINE CERTAIN TERMS USED IN THIS ACT; TO PROVIDE FOR STUDENT ELIGIBILITY REQUIREMENTS FOR RECEIPT OF A SCHOLARSHIP AND RESTRICTING ELIGIBILITY THEREFOR; TO PROVIDE FOR THE TERM OF THE SCHOLARSHIP; TO STIPULATE THE OBLIGATIONS OF PARENTS OR LEGAL GUARDIANS, STUDENTS AND SCHOOLS AND SCHOOL DISTRICTS; TO PRESCRIBE THE DUTIES OF THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION REGARDING THE ADMINISTRATION OF THE SCHOLARSHIP PROGRAM; TO PROVIDE THE DEPARTMENT OF EDUCATION WITH THE AUTHORITY TO VERIFY THE ELIGIBILITY OF NONPUBLIC SCHOOLS AND TO ESTABLISH THE PROCESS FOR NOTIFICATIONS OF VIOLATIONS; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO DENY, SUSPEND OR REVOKE A SCHOOL'S PARTICIPATION IN THE SCHOLARSHIP PROGRAM AND THE PROCEDURES TAKEN WITH RESPECT THEREFOR; TO REQUIRE THAT ALL CHILDREN BE SCREENED FOR SPEECH, LANGUAGE, VOICE AND FLUENCY DISORDERS BEFORE THE END OF GRADE 1 IN THE PUBLIC SCHOOLS OF THIS STATE; TO ESTABLISH THE PROCEDURES TO BE FOLLOWED IN THE SCREENING AND EVALUATION OF STUDENTS FOR SPEECH-LANGUAGE IMPAIRMENT; TO REQUIRE THE DEPARTMENT OF EDUCATION TO SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE SUMMARIZING STUDENT PERFORMANCE, STUDENT ASSESSMENTS, FUNDING AND ANY RECOMMENDED CHANGES; TO REQUIRE THE STATE TO PAY DIRECTLY TO THE SCHOOL ANY STATE AID ATTRIBUTABLE TO A STUDENT WITH A DISABILITY ATTENDING THE SCHOOL; TO REQUIRE THE SCHOOL TO COMPLY WITH THE ANNUAL AUDIT AND BUDGET SUBMISSION REQUIREMENTS PRESCRIBED BY LAW IN TITLE 37, MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 896

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education

By: Representatives Barker, Buck (72nd), Miles, Bounds,
Brown (20th)

House Bill 896

(As Sent to Governor)

AN ACT TO ESTABLISH THE MISSISSIPPI SPEECH-LANGUAGE THERAPY SCHOLARSHIP FOR STUDENTS WITH SPEECH-LANGUAGE IMPAIRMENTS PROGRAM; TO DEFINE CERTAIN TERMS USED IN THIS ACT; TO PROVIDE FOR STUDENT ELIGIBILITY REQUIREMENTS FOR RECEIPT OF A SCHOLARSHIP AND RESTRICTING ELIGIBILITY THEREFOR; TO PROVIDE FOR THE TERM OF THE SCHOLARSHIP; TO STIPULATE THE OBLIGATIONS OF PARENTS OR LEGAL GUARDIANS, STUDENTS AND SCHOOLS AND SCHOOL DISTRICTS; TO PRESCRIBE THE DUTIES OF THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION REGARDING THE ADMINISTRATION OF THE SCHOLARSHIP PROGRAM; TO PROVIDE THE DEPARTMENT OF EDUCATION WITH THE AUTHORITY TO VERIFY THE ELIGIBILITY OF NONPUBLIC SCHOOLS AND TO ESTABLISH THE PROCESS FOR NOTIFICATIONS OF VIOLATIONS; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO DENY, SUSPEND OR REVOKE A SCHOOL'S PARTICIPATION IN THE SCHOLARSHIP PROGRAM AND THE PROCEDURES TAKEN WITH RESPECT THEREFOR; TO REQUIRE THAT ALL CHILDREN BE SCREENED FOR SPEECH, LANGUAGE, VOICE AND FLUENCY DISORDERS BEFORE THE END OF GRADE 1 IN THE PUBLIC SCHOOLS OF THIS STATE; TO ESTABLISH THE PROCEDURES TO BE FOLLOWED IN THE SCREENING AND EVALUATION OF STUDENTS FOR SPEECH-LANGUAGE IMPAIRMENT; TO REQUIRE THE DEPARTMENT OF EDUCATION TO SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE SUMMARIZING STUDENT PERFORMANCE, STUDENT ASSESSMENTS, FUNDING AND ANY RECOMMENDED CHANGES; TO REQUIRE THE STATE TO PAY DIRECTLY TO THE SCHOOL ANY STATE AID ATTRIBUTABLE TO A STUDENT WITH A DISABILITY ATTENDING THE SCHOOL; TO REQUIRE THE SCHOOL TO COMPLY WITH THE ANNUAL AUDIT AND BUDGET SUBMISSION REQUIREMENTS PRESCRIBED BY LAW IN TITLE 37, MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Board" means the State Board of Education.

(b) "Department" means the State Department of Education.

(c) "Speech-language impairment," as defined under IDEA, means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects a child's educational performance, which include:

(i) Articulation disorders: difficulties producing sounds in syllables or saying words incorrectly to the point that listeners cannot understand what is being said;

(ii) Fluency disorders: problems in which the flow of speech is interrupted by abnormal stoppages, repetitions, prolonged sounds and syllables or avoided, and where there may be silent blocks or inappropriate inhalation, exhalation or phonation patterns;

(iii) Resonance or voice disorders: problems with abnormal pitch, volume, resonance or quality of the voice, which may also cause pain or discomfort when speaking;

(iv) Receptive language disorders: difficulties understanding or processing language; and

(v) Expressive language disorders: difficulty putting words together, limited vocabulary or inability to use language in a socially appropriate manner.

(d) "Speech-language therapy" means an appropriate specialized speech-language instructional program that is delivered by a speech-language pathologist which is scientific and research-based. These components shall be taught using instructional approaches that include explicit, direct instruction which is systematic, sequential and cumulative, individualized to meet the specific learning needs of each individual student.

(e) "Speech-language pathologist" means a professional who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association, or who has completed training in a department approved American Speech-Language-Hearing Association based speech-language pathology training program attaining a AA license in speech-language pathology.

(f) "Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program" means a scholarship to provide the option to provide a scholarship

to a nonpublic school of choice, for students in kindergarten through Grade 6 or its equivalent with an eligibility ruling of a speech-language impairment in order to receive comprehensive multimodality speech-language therapy delivered by holders of an appropriate license and clinical certification in speech-language pathology issued by the department and the American Speech-Language-Hearing Association.

(g) "School" means any state accredited nonpublic special purpose school that is organized to provide and emphasizes instruction in speech-language therapy and intervention as the primary purpose of the school and provides a specific learning environment that provides comprehensive speech-language therapy instruction delivered by speech-language pathologists licensed by the department providing highly qualified education and intervention services to children with a primary eligibility ruling of speech-language impairment.

SECTION 2. The Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program, which may also be cited as the Nate Rogers Scholarship for Students with Disabilities Program, is established to provide a scholarship to a nonpublic school of choice, for students with an eligibility ruling of a speech-language impairment. Students in kindergarten through Grade 6 or its equivalent who have been properly evaluated and received an eligibility ruling of speech-language impairment shall be eligible to receive scholarship assistance under this program.

SECTION 3. (1) Parents or legal guardians may exercise the option to remove their child from a traditional public school setting to be enrolled in a nonpublic school which meets the standards for appropriate specific instruction designed to meet the unique learning needs of young students with a speech-language impairment. The objectives of such school shall be:

(a) To emphasize the importance of early intervention; and

(b) To provide intensive high-quality speech-language pathology services.

(2) The parent or legal guardian of a public school student with a speech-language impairment may request and receive from the state a Mississippi Speech-Language Therapy Scholarship

for the child to enroll in and attend a nonpublic school in accordance with this section if:

(a) The student has spent the previous school year in attendance at a Mississippi public school or any other state accredited nonpublic special purpose school in the state that is organized to provide and emphasizes instruction in speech-language therapy and intervention as the primary purpose of the school; or

(b) The parent or legal guardian has obtained acceptance for admission of the student to a nonpublic school that is eligible for the program under Section 10 of this act and has requested from the department a scholarship within thirty (30) days before the date of the first scholarship payment. The request must be through a communication directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The State Department of Education must notify the district of the parent's or legal guardian's intent upon receipt of the parent's or legal guardian's request.

SECTION 4. (1) A student is not eligible for a Mississippi Speech-Language Therapy Scholarship while he or she is:

(a) Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) Participating in a home-school education program;

(c) Participating in a virtual school, correspondence school, or distance learning program that receives state funding under the student's participation unless the participation is limited to no more than two (2) courses per school year;

(d) Not having regular and direct contact with his or her private school teachers at the school's physical location.

(2) (a) For purposes of continuity of educational choice, a Mississippi Speech-Language Therapy Scholarship shall remain in force until the student returns to a public school or completes Grade 6 or its equivalent, whichever occurs first.

(b) Upon reasonable notice to the department and the school district, the student's parent or legal guardian may remove the student from the nonpublic school and place the student in a public school in accordance with this section.

SECTION 5. (1) Each local school district shall make an initial determination of whether a student has an eligibility ruling of speech-language impairment that qualifies under the Individuals with Disabilities Education Act (IDEA) to receive services and funding under the provisions of the IDEA before proceeding to the development of a plan for each speech-language impaired student eligible for educational services or equipment, or both, under Sections 37-23-1 through 37-23-157.

Furthermore, these provisions do not prohibit a parent or legal guardian of a student who has an eligibility ruling of speech-language impairment, at any time, from choosing the option of a Mississippi Speech-Language Therapy Scholarship which would allow the student to attend another nonpublic special purpose school.

(2) If the parent or legal guardian chooses the nonpublic school option and the student is accepted by the nonpublic school pending the availability of a space for the student, the parent or legal guardian of the student must notify the department thirty (30) days before the first scholarship payment and before entering the nonpublic school in order to be eligible for the scholarship when a space becomes available for the student in the nonpublic school.

SECTION 6. A parent or legal guardian who applies for a Mississippi Speech-Language Therapy Scholarship is exercising his or her parental option to place his or her child in a nonpublic school. Each participating parent or legal guardian and student shall adhere to the following:

(a) The parent or legal guardian must select the nonpublic school and apply for the admission of his or her child;

(b) The parent or legal guardian must have requested the scholarship at least thirty (30) days before the date of the first scholarship payment;

(c) Any student participating in the Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program must remain in attendance throughout the school year unless excused by the school for illness or other good cause; and

(d) Each parent or legal guardian and each student has an obligation to the nonpublic special purpose school to comply with the nonpublic special purpose school's published policies.

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SECTION 7. (1) The maximum scholarship granted per eligible student with speech-language impairment shall be an amount equivalent to the Mississippi Adequate Education Program base student cost.

(2) (a) Any nonpublic school under this program shall report to the State Department of Education the number of students with speech-language impairment who are enrolled in nonpublic schools on the Mississippi Speech-Language Therapy Scholarships as of September 30 of each year in order to determine funding for the subsequent year. Funds may not be transferred from any funding provided to the Mississippi School for the Deaf and the Blind for program participants who are eligible under Section 3 of this act.

(b) The State Department of Education shall make payments to nonpublic schools for each student at the nonpublic school equal to the state share of the adequate education program payments for each student in average daily attendance at the school district from which the student transferred. In calculating the local contribution for purposes of determining the state share of the adequate education program payments, the department shall deduct the pro rata local contribution of the school district in which the student resides, to be determined as provided in Section 37-151-7(2) (a).

(c) Payments made pursuant to this subsection by the State Department of Education must be made at the same time and in the same manner as adequate education program payments are made to school districts under Sections 37-151-101 and 37-151-103. Amounts payable to a nonpublic school must be determined by the State Department of Education.

(3) If the parent opts to remove a child from a public school to a nonpublic special purpose school and to receive a scholarship under this act, then transportation shall be provided at the parent's or guardian's expense.

SECTION 8. (1) Each local school district shall adopt a policy to ensure that students will be screened for speech, language, voice and fluency disorders before the end of Grade 1.

(2) If a student fails the screener, the parent or legal guardian will be notified of the results of the screener.

(3) If a student fails the screener, the school district, in its discretion, may perform a comprehensive speech-language evaluation.

(4) If a parent or a legal guardian of a student who fails the speech-language screener exercises the option to have a subsequent evaluation performed, such evaluation shall be administered by a speech-language pathologist. The subsequent evaluation obtained by the parents shall be considered by the school district for eligibility in the area of speech-language in accordance with the procedures mandated by the federal Individuals with Disabilities Education Act (IDEA) for a placement in a speech-language program within the current school or to receive a Mississippi speech-language therapy scholarship for placement in a speech-language program in a nonpublic special purpose school. A parent or legal guardian may provide written notification to the local school district opting out of the mandatory screening provided by the district. The provisions of this section shall not apply to homeschooled students.

SECTION 9.(1) To be eligible to participate in the Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program, a nonpublic school must:

(a) Be a state accredited nonpublic special purpose school in the state that is organized to provide and emphasizes instruction in speech-language therapy and intervention as the primary purpose of the school;

(b) Provide to the department all documentation required for a student's participation, including the nonpublic school's and student's fee schedules, at least thirty (30) days before the first quarterly scholarship payment is made for the student;

(c) Be academically accountable to the parent or legal guardian for meeting the educational needs of the student by, at a minimum, annually providing to the parent or legal guardian a written explanation of the student's progress;

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

(2) The inability of a nonpublic school to meet the requirements of this subsection shall constitute a basis for

the ineligibility of the nonpublic school to participate in the scholarship program as determined by the department.

SECTION 10. (1) The department shall publicize information regarding the Mississippi Speech-Language Therapy Scholarship on the department's official website.

(2) The department shall annually, by December 15, report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives the department's actions with respect to implementing accountability in the scholarship program under this section, any substantiated allegations or violations of law or rule by an eligible nonpublic school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the department.

SECTION 11. (1) The State Board of Education in conjunction with each nonpublic school operating under the provisions of this act, may:

(a) Extend the school day or length of the scholastic year;

(b) Develop and establish a curriculum that is consistent with the Mississippi Curriculum Framework in the subject areas of mathematics, social studies, science, music, art and physical education; and

(c) Select, purchase and use textbooks, literature and other instructional materials that would improve educational attainment by students in the school, subject to the approval of the board.

(2) The qualified personnel to provide speech-language services for children with speech-language impairment who attend the nonpublic special purpose schools shall consist of speech-language pathologists.

SECTION 12. Teachers and other school personnel shall be subject to criminal history record checks and fingerprinting requirements applicable to other public schools under Section 37-9-17(2) and (3).

SECTION 13. (1) Each school providing instruction to children with speech-language impairment shall certify to the State Department of Education its student enrollment in the same manner as local school districts.

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(2) The state shall ensure that each school is treated equitably in the calculation and disbursement of all state categorical aid program dollars. Each school participating in the scholarship program shall comply with all reporting requirements to receive the aid.

(3) (a) Each nonpublic school shall adhere to generally accepted accounting principles as promulgated by nationally recognized professional organizations.

(b) Each school shall have its financial records audited annually, at the end of each fiscal year, by the State Auditor and shall file a copy of each audit report and accompanying management letter with the board by July 30.

(4) Nothing in this act shall be construed to prohibit any person or organization from providing funding or other assistance to the establishment or operation of any school authorized under this act, except religious or sectarian organizations. The State Board of Education, acting on behalf of the participating schools, is authorized to accept gifts, donations, and grants of any kind made to a participating school and to expend or use such gifts, donations, and grants in accordance with the conditions prescribed by the donor; however, no gift, donation, or grant may be accepted if subject to a condition that is contrary to any provision of federal law, state law or board rule.

SECTION 14. No liability shall arise on the part of the state based on the award or use of a Mississippi Speech-Language Therapy Scholarship.

SECTION 15. The inclusion of eligible nonpublic schools within options available to Mississippi public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of nonpublic schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

SECTION 16. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 901

Description: State funds; transfer certain to BCF, and transfer sum from Health Care Trust Fund to Expendable Fund.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 518

History of Actions:

- | | | | |
|--------------------|-------|-----|---|
| 1 | 01/21 | (H) | Referred To Appropriations |
| 2 | 02/05 | (H) | Title Suff Do Pass Comm Sub |
| 3 | 02/12 | (H) | Committee Substitute Adopted |
| 4 | 02/12 | (H) | Passed {Vote} |
| 5 | 02/14 | (H) | Transmitted To Senate |
| 6 | 02/15 | (S) | Referred To Appropriations |
| 7 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 8 | 03/07 | (S) | Amended |
| 9 | 03/07 | (S) | Passed As Amended {Vote} |
| 10 | 03/08 | (S) | Returned For Concurrence |
| 11 | 03/19 | (H) | Decline to Concur/Invite Conf |
| 12 | 03/25 | (H) | Conferees Named Frierson, Huddleston |
| (15th), Flagg | | | |
| 13 | 03/29 | (S) | Conferees Named Clarke, Brown, Tindell |
| 14 | 04/01 | (H) | Conference Report Filed |
| 15 | 04/01 | (S) | Conference Report Filed |
| 16 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 17 | 04/02 | (S) | Recommitted For Further Conf |
| 18 | 04/02 | (H) | Motion to Reconsider Entered (Frierson, |
| Huddleston (15th)) | | | |
| 19 | 04/02 | (H) | Reconsidered |
| 20 | 04/02 | (H) | Recommitted For Further Conf |
| 21 | 04/02 | (S) | Conference Report Filed |
| 22 | 04/02 | (H) | Conference Report Filed |

2013 GENERAL LAWS OF MISSISSIPPI HB 901

23 04/03 (H) Conference Report Adopted {Vote}
24 04/03 (S) Conference Report Adopted {Vote}
25 04/09 (S) Enrolled Bill Signed
26 04/09 (H) Enrolled Bill Signed
27 04/23 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 901

Conference Reports:

| Conference Report
| Conference Report # 2

Code Section: A 043-0013-0405, A 043-0013-0407

----- Additional Information -----

House Committee: Appropriations

Senate Committee: Appropriations

Principal Author: Frierson

Title: AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER CERTAIN AMOUNTS TO THE BUDGET CONTINGENCY FUND FROM CERTAIN SPECIAL FUNDS DURING FISCAL YEAR 2014; TO AMEND SECTION 43-13-405, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE STATUTE THAT ESTABLISHES THE HEALTH CARE TRUST FUND; TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE STATUTE THAT ESTABLISHES THE HEALTH CARE EXPENDABLE FUND; TO PROVIDE THAT THE TOTAL AMOUNT OF THE TOBACCO SETTLEMENT INSTALLMENT PAYMENT IN CALENDAR YEAR 2013 SHALL BE DEPOSITED INTO THE HEALTH CARE EXPENDABLE FUND; TO PROVIDE THAT A CERTAIN SUM SHALL BE TRANSFERRED FROM THE HEALTH CARE TRUST FUND TO THE HEALTH CARE EXPENDABLE FUND DURING FISCAL YEAR 2014; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER NOT MORE THAN CERTAIN AMOUNTS FROM THE CAPITAL EXPENSE FUND FOR THE PURPOSE OF PAYING THE COST OF REPAIRS OF DAMAGE CAUSED BY THE HAIL STORM ON MARCH 18, 2013, AND FOR THE PURPOSE OF PROVIDING THE FUNDS NECESSARY TO CONTINUE THE OPERATIONS OF THE MAGIC PROJECT; TO REQUIRE THAT ANY FUNDS TRANSFERRED FOR THOSE PURPOSES SHALL BE TRANSFERRED BACK TO THE CAPITAL EXPENSE FUND NOT LATER THAN JUNE 30, 2014; AND FOR RELATED PURPOSES.

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MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Appropriations

By: Representative Frierson

House Bill 901 (As Sent to Governor)

AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER CERTAIN AMOUNTS TO THE BUDGET CONTINGENCY FUND FROM CERTAIN SPECIAL FUNDS DURING FISCAL YEAR 2014; TO AMEND SECTION 43-13-405, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE STATUTE THAT ESTABLISHES THE HEALTH CARE TRUST FUND; TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE STATUTE THAT ESTABLISHES THE HEALTH CARE EXPENDABLE FUND; TO PROVIDE THAT THE TOTAL AMOUNT OF THE TOBACCO SETTLEMENT INSTALLMENT PAYMENT IN CALENDAR YEAR 2013 SHALL BE DEPOSITED INTO THE HEALTH CARE EXPENDABLE FUND; TO PROVIDE THAT A CERTAIN SUM SHALL BE TRANSFERRED FROM THE HEALTH CARE TRUST FUND TO THE HEALTH CARE EXPENDABLE FUND DURING FISCAL YEAR 2014; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER NOT MORE THAN CERTAIN AMOUNTS FROM THE CAPITAL EXPENSE FUND FOR THE PURPOSE OF PAYING THE COST OF REPAIRS OF DAMAGE CAUSED BY THE HAIL STORM ON MARCH 18, 2013, AND FOR THE PURPOSE OF PROVIDING THE FUNDS NECESSARY TO CONTINUE THE OPERATIONS OF THE MAGIC PROJECT; TO REQUIRE THAT ANY FUNDS TRANSFERRED FOR THOSE PURPOSES SHALL BE TRANSFERRED BACK TO THE CAPITAL EXPENSE FUND NOT LATER THAN JUNE 30, 2014; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. During fiscal year 2014, the State Fiscal Officer shall transfer to the Budget Contingency Fund created in Section 27-103-301, out of the following enumerated funds, the amounts listed below from each fund:

AGENCY/FUND	FUND NO.	AMOUNT
General Fund	2999	\$ 17,588,141.00
Working Cash-Stabilization		
Reserve Fund	3992	109,812,343.00
Secretary of State	3111	226,000.00
Insurance Department	3501	6,000,000.00

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Treasurer's Office-Unclaimed Prop.	3178	3,950,000.00
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	3079	<u>1,620,045.00</u>
TOTAL		\$139,196,529.00

SECTION 2. Section 43-13-405, Mississippi Code of 1972, is amended as follows:

43-13-405. (1) In accordance with the purposes of this article, there is established in the State Treasury the Health Care Trust Fund, into which shall be deposited Two Hundred Eighty Million Dollars (\$280,000,000.00) of the funds received by the State of Mississippi as a result of the tobacco settlement as of the end of fiscal year 1999, and all tobacco settlement installment payments made in subsequent years for which the use or purpose for expenditure is not restricted by the terms of the settlement, except as otherwise provided in Section 43-13-407(2) and (3) and Section 41-113-11. All income from the investment of the funds in the Health Care Trust Fund shall be credited to the account of the Health Care Trust Fund. The funds in the Health Care Trust Fund at the end of a fiscal year shall not lapse into the State General Fund.

(2) The Health Care Trust Fund shall remain inviolate and shall never be expended, except as provided in this article. The Legislature shall appropriate from the Health Care Trust Fund such sums as are necessary to recoup any funds lost as a result of any of the following actions:

(a) The federal Centers for Medicare and Medicaid Services, or other agency of the federal government, is successful in recouping tobacco settlement funds from the State of Mississippi;

(b) The federal share of funds for the support of the Mississippi Medicaid Program is reduced directly or indirectly as a result of the tobacco settlement;

(c) Federal funding for any other program is reduced as a result of the tobacco settlement; or

(d) Tobacco cessation programs are mandated by the federal government or court order.

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(3) The State Treasurer may transfer ownership of all assets in the RMK Select Timberland 1 Portfolio of the Health Care Trust Fund to the Public Employees' Retirement System to be credited to the Public Employees' Retirement System employer's accumulation account. However, in no instance shall the State Treasurer make this transfer until a transfer equal to the monetary value of the assets in the RMK Select Timberland 1 Portfolio of the Health Care Trust Fund is made by the Public Employees' Retirement System into the Health Care Trust Fund.

(4) This section shall stand repealed on July 1, * * * 2016.

SECTION 3. Section 43-13-407, Mississippi Code of 1972, is amended as follows:

43-13-407. (1) In accordance with the purposes of this article, there is established in the State Treasury the Health Care Expendable Fund, into which shall be transferred from the Health Care Trust Fund the following sums:

(a) In fiscal year 2005, Four Hundred Fifty-six Million Dollars (\$456,000,000.00);

(b) In fiscal years 2006, One Hundred Eighty-six Million Dollars (\$186,000,000.00);

(c) In fiscal year 2007, One Hundred Eighty-six Million Dollars (\$186,000,000.00);

(d) In fiscal year 2008, One Hundred Six Million Dollars (\$106,000,000.00);

(e) In fiscal year 2009, Ninety-two Million Two Hundred Fifty Thousand Dollars (\$92,250,000.00);

(f) In the fiscal year beginning after the calendar year in which none of the amount of the annual tobacco settlement installment payment will be deposited into the Health Care Expendable Fund as provided in subsection (3)(d) of this section, and in each fiscal year thereafter, a sum equal to the average annual amount of the dividends, interest and other income, including increases in value of the principal, earned on the funds in the Health Care Trust Fund during the preceding four (4) fiscal years.

(2) In any fiscal year in which interest, dividends and other income from the investment of the funds in the Health Care Trust Fund are not sufficient to fund the full amount

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of the annual transfer into the Health Care Expendable Fund as required in subsection (1)(f) of this section, the State Treasurer shall transfer from tobacco settlement installment payments an amount that is sufficient to fully fund the amount of the annual transfer.

(3) Beginning with calendar year 2009, at the time that the State of Mississippi receives the tobacco settlement installment payment for each calendar year, the State Treasurer shall deposit the following amounts of each of those installment payments into the Health Care Expendable Fund:

(a) In calendar years 2009 and 2010, the total amount of the installment payment;

(b) In calendar year 2011, the amount of the installment payment less Ten Million Dollars (\$10,000,000.00);

(c) In calendar year s 2012 and 2013, the total amount of the installment payment;

(d) In calendar year * * * 2014, and each calendar year thereafter, the amount of the installment payment to be deposited into the Health Care Expendable Fund shall be reduced by an additional Ten Million Dollars (\$10,000,000.00) each calendar year until the calendar year that the amount of the installment payment that otherwise would be deposited into the Health Care Expendable Fund is less than the average annual amount of the dividends, interest and other income, including increases in value of the principal, earned on the funds in the Health Care Trust Fund during the preceding four (4) fiscal years. Beginning with that calendar year and each calendar year thereafter, none of the amount of the installment payment shall be deposited into the Health Care Expendable Fund.

(4) (a) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of One Hundred Twelve Million Dollars (\$112,000,000.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund in fiscal year 2011.

(b) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Fifty-six Million Two Hundred Sixty-three Thousand Four Hundred Thirty-eight Dollars (\$56,263,438.00)

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shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2012.

(c) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Ninety-seven Million Four Hundred Fifty Thousand Three Hundred Thirty-two Dollars (\$97,450,332.00) shall be transferred from the Health Care Trust fund to the Health Care Expendable Fund during fiscal year 2013.

(d) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Twenty-three Million One Hundred Thousand Dollars (\$23,100,000.00) shall be transferred from the Health Care Trust fund to the Health Care Expendable Fund during fiscal year 2014.

(5) If Medicaid expenditures are projected to exceed the amount of funds appropriated to the Division of Medicaid in any fiscal year in excess of the expenditure reductions to providers, funds shall be transferred by the State Fiscal Officer from the Health Care Trust Fund into the Health Care Expendable Fund and then to the Governor's Office, Division of Medicaid, in the amount and at such time as requested by the Governor to reconcile the deficit.

(6) All income from the investment of the funds in the Health Care Expendable Fund shall be credited to the account of the Health Care Expendable Fund. Any funds in the Health Care Expendable Fund at the end of a fiscal year shall not lapse into the State General Fund.

(7) The funds in the Health Care Expendable Fund shall be available for expenditure under specific appropriation by the Legislature beginning in fiscal year 2000, and shall be expended exclusively for health care purposes.

(8) The provisions of subsection (1) of this section may not be changed in any manner except upon amendment to that subsection by a bill enacted by the Legislature with a vote of not less than three-fifths (3/5) of the members of each house present and voting.

(9) If the State Treasurer, in consultation with the Executive Director of the Department of Finance and Administration, determines that there is a need to borrow funds to offset any temporary cash flow deficiencies in the Health Care Expendable Fund created in this section, the Treasurer may borrow those

funds from any state-source special funds in the State Treasury in amounts that can be repaid from the Health Care Expendable Fund during the fiscal year in which the funds are borrowed. The State Treasurer shall immediately notify the Legislative Budget Office and the Department of Finance and Administration of each transfer into and out of the Health Care Expendable Fund.

(10) No later than September 30, 2011, the State Treasurer shall transfer from the Health Care Expendable Fund to the Health Care Trust Fund an amount equivalent to the unencumbered ending cash balance of the Health Care Expendable Fund as of June 30, 2011, less Three Million Eight Hundred Forty Thousand Dollars (\$3,840,000.00).

(11) Subsections (1), (2), (5), (6) and (7) of this section shall stand repealed on July 1, * * * 2016.

SECTION 4. The Executive Director of the Department of Finance and Administration shall have the authority to transfer from the Capital Expense Fund created in Section 27-103-303 such amounts as necessary not exceeding a total of Two Million Dollars (\$2,000,000.00) for the purpose of paying the cost of repairs of damage caused by the hail storm on March 18, 2013. These funds may be transferred in anticipation of insurance settlements from the storm, and the amount of any funds transferred under this section shall be transferred back to the Capital Expense Fund not later than June 30, 2014. The Department of Finance and Administration shall notify the State Treasurer, the Lieutenant Governor, the Speaker of the House of Representatives, the respective Chairmen of the Senate Appropriations Committee, the Senate Finance Committee, the House Appropriations Committee, the House Ways and Means Committee and the Legislative Budget Office when funds are transferred under this section. No funds transferred under this section shall be expended for agency administrative costs, including, but not limited to, agency employee salaries or travel. The Executive Director of the Department of Finance and Administration may escalate the department's budget and expend the transferred funds in accordance with the rules and regulations of the department in a manner consistent with the escalation of federal funds.

SECTION 5. The Executive Director of the Department of Finance and Administration shall have the authority to transfer from the Capital Expense Fund created in Section 27-

103-303 such amounts as necessary not exceeding a total of Fifteen Million Dollars (\$15,000,000.00) for the purpose of providing the funds necessary to continue the operations of the MAGIC project, the state's primary data processing system for tracking, managing, and reporting critical financial information. The amount of any funds transferred under this section shall be transferred back to the Capital Expense Fund not later than June 30, 2014, from any funds made available to the Department of Finance and Administration. The Department of Finance and Administration shall notify the State Treasurer, the Lieutenant Governor, the Speaker of the House of Representatives, the respective Chairmen of the Senate Appropriations Committee, the Senate Finance Committee, the House Appropriations Committee, the House Ways and Means Committee and the Legislative Budget Office when funds are transferred under this section. No funds transferred under this section shall be expended for agency administrative costs, including, but not limited to, agency employee salaries or travel. The Executive Director of the Department of Finance and Administration may escalate the department's budget and expend the transferred funds in accordance with the rules and regulations of the department in a manner consistent with the escalation of federal funds.

SECTION 6. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 919

Description: State Auditor's office; delete repealer on certain provisions affecting powers and duties of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 520

History of Actions:

- 1 01/21 (H) Referred To Appropriations
- 2 02/05 (H) Title Suff Do Pass
- 3 02/11 (H) Passed {Vote}
- 4 02/12 (H) Transmitted To Senate
- 5 02/15 (S) Referred To Accountability, Efficiency,
Transparency; Appropriations
- 6 03/05 (S) DR - TSDPAA: AC To AP
- 7 03/05 (S) Title Suff Do Pass As Amended
- 8 03/12 (S) Amended
- 9 03/12 (S) Passed As Amended {Vote}
- 10 03/13 (S) Returned For Concurrence
- 11 03/26 (H) Decline to Concur/Invite Conf
- 12 03/27 (H) Conferees Named Frierson, Shows, Read
- 13 03/28 (S) Conferees Named Collins, Hale, Wilemon
- 14 03/31 (S) Conference Report Filed
- 15 03/31 (H) Conference Report Filed
- 16 04/01 (H) Conference Report Adopted {Vote}
- 17 04/01 (H) Motion to Reconsider Entered (Moak,
Frierson, Huddleston (15th))
- 18 04/02 (S) Conference Report Adopted {Vote}
- 19 04/03 (H) Motion to Reconsider Tabled
- 20 04/09 (S) Enrolled Bill Signed
- 21 04/09 (H) Enrolled Bill Signed
- 22 04/23 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 919

Conference Reports:

Conference Report

Code Section: A 007-0007-0211, A 007-0007-0213, A 029-0009-0013

----- Additional Information -----

House Committee: Appropriations

Senate Committee: Accountability, Efficiency, Transparency, Appropriations

Principal Author: Shows

Title: AN ACT TO AMEND SECTIONS 7-7-211, 7-7-213 AND 29-9-13, MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALERS ON THE POWERS AND DUTIES OF THE STATE AUDITOR'S OFFICE, THE PAYMENT OF COSTS INCURRED BY A STATE AGENCY FOR THE COSTS OF AUDITS AND THE USE OF ANY INDEPENDENT SPECIALIST OR FIRM CONTRACTED BY THE STATE AUDITOR TO ASSIST IN THE PERFORMANCE OF AUDITS, AND TO REQUIRE A PHYSICAL AUDIT OF ACTUAL ITEMS OR PROPERTIES SHOWN ON THE INVENTORY OF STATE AGENCIES; AND FOR RELATED PURPOSES.

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MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Appropriations

By: Representative Shows

House Bill 919

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 7-7-211, 7-7-213 AND 29-9-13, MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALERS ON THE POWERS AND DUTIES OF THE STATE AUDITOR'S OFFICE, THE PAYMENT OF COSTS INCURRED BY A STATE AGENCY FOR THE COSTS OF AUDITS AND THE USE OF ANY INDEPENDENT SPECIALIST OR FIRM CONTRACTED BY THE STATE AUDITOR TO ASSIST IN THE PERFORMANCE OF AUDITS, AND TO REQUIRE A PHYSICAL AUDIT OF ACTUAL ITEMS OR PROPERTIES SHOWN ON THE INVENTORY OF STATE AGENCIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 7-7-211, Mississippi Code of 1972, is amended as follows:

7-7-211. * * * The department shall have the power and it shall be its duty:

(a) To identify and define for all public offices of the state and its subdivisions generally accepted accounting principles or other accounting principles as promulgated by nationally recognized professional organizations and to consult with the State Fiscal Officer in the prescription and implementation of accounting rules and regulations;

(b) To provide best practices, for all public offices of regional and local subdivisions of the state, systems of accounting, budgeting and reporting financial facts relating to said offices in conformity with legal requirements and with generally accepted accounting principles or other accounting principles as promulgated by nationally recognized professional organizations; to assist such subdivisions in need of assistance in the installation of such systems; to revise such systems when deemed necessary, and to report to the Legislature at periodic times the extent to which each office is maintaining such systems, along with such recommendations to the Legislature for improvement as seem desirable;

(c) To study and analyze existing managerial policies, methods, procedures, duties and services of the various state departments and institutions upon written request of the Governor, the Legislature or any committee or other body empowered by the Legislature to make such request to determine whether and where operations can be eliminated, combined, simplified and improved;

(d) To postaudit each year and, when deemed necessary, preaudit and investigate the financial affairs of the departments, institutions, boards, commissions or other agencies of state government, as part of the publication of a comprehensive annual financial report for the State of Mississippi. In complying with the requirements of this paragraph, the department shall have the authority to conduct all necessary audit procedures on an interim and year-end basis;

(e) To postaudit and, when deemed necessary, preaudit and investigate separately the financial affairs of (i) the offices, boards and commissions of county governments and any departments and institutions thereof and therein; (ii) public school districts, departments of education and junior college districts; and (iii) any other local offices or agencies which share revenues derived from taxes or fees imposed by the State Legislature or receive grants from revenues collected by governmental divisions of the state; the cost of such audits, investigations or other services to be paid as follows: Such part shall be paid by the state from appropriations made by the Legislature for the operation of the State Department of Audit as may exceed the sum of Thirty Dollars (\$30.00) per man hour for the services of each staff person engaged in performing the audit or other service plus the actual cost of any independent specialist firm contracted by the State Auditor to assist in the performance of the audit, which sum shall be paid by the county, district, department, institution or other agency audited out of its general fund or any other available funds from which such payment is not prohibited by law. Costs paid for independent specialists or firms contracted by the State Auditor shall be paid by the audited entity through the State Auditor to the specialist or firm conducting the postaudit.

Each school district in the state shall have its financial records audited annually, at the end of each fiscal year,

either by the State Auditor or by a certified public accountant approved by the State Auditor. Beginning with the audits of fiscal year 2010 activity, no certified public accountant shall be selected to perform the annual audit of a school district who has audited that district for three (3) or more consecutive years previously. Certified public accountants shall be selected in a manner determined by the State Auditor. The school district shall have the responsibility to pay for the audit, including the review by the State Auditor of audits performed by certified public accountants;

(f) To postaudit and, when deemed necessary, preaudit and investigate the financial affairs of the levee boards; agencies created by the Legislature or by executive order of the Governor; profit or nonprofit business entities administering programs financed by funds flowing through the State Treasury or through any of the agencies of the state, or its subdivisions; and all other public bodies supported by funds derived in part or wholly from public funds, except municipalities which annually submit an audit prepared by a qualified certified public accountant using methods and procedures prescribed by the department;

(g) To make written demand, when necessary, for the recovery of any amounts representing public funds improperly withheld, misappropriated and/or otherwise illegally expended by an officer, employee or administrative body of any state, county or other public office, and/or for the recovery of the value of any public property disposed of in an unlawful manner by a public officer, employee or administrative body, such demands to be made (i) upon the person or persons liable for such amounts and upon the surety on official bond thereof, and/or (ii) upon any individual, partnership, corporation or association to whom the illegal expenditure was made or with whom the unlawful disposition of public property was made, if such individual, partnership, corporation or association knew or had reason to know through the exercising of reasonable diligence that the expenditure was illegal or the disposition unlawful. Such demand shall be premised on competent evidence, which shall include at least one (1) of the following: (i) sworn statements, (ii) written documentation, (iii) physical evidence, or (iv) reports and findings of government or other law enforcement agencies. Other provisions notwithstanding, a demand letter issued pursuant to this paragraph shall remain confidential by the State Auditor until the individual against

whom the demand letter is being filed has been served with a copy of such demand letter. If, however, such individual cannot be notified within fifteen (15) days using reasonable means and due diligence, such notification shall be made to the individual's bonding company, if he or she is bonded. Each such demand shall be paid into the proper treasury of the state, county or other public body through the office of the department in the amount demanded within thirty (30) days from the date thereof, together with interest thereon in the sum of one percent (1%) per month from the date such amount or amounts were improperly withheld, misappropriated and/or otherwise illegally expended. In the event, however, such person or persons or such surety shall refuse, neglect or otherwise fail to pay the amount demanded and the interest due thereon within the allotted thirty (30) days, the State Auditor shall have the authority and it shall be his duty to institute suit, and the Attorney General shall prosecute the same in any court of the state to the end that there shall be recovered the total of such amounts from the person or persons and surety on official bond named therein; and the amounts so recovered shall be paid into the proper treasury of the state, county or other public body through the State Auditor. In any case where written demand is issued to a surety on the official bond of such person or persons and the surety refuses, neglects or otherwise fails within one hundred twenty (120) days to either pay the amount demanded and the interest due thereon or to give the State Auditor a written response with specific reasons for nonpayment, then the surety shall be subject to a civil penalty in an amount of twelve percent (12%) of the bond, not to exceed Ten Thousand Dollars (\$10,000.00), to be deposited into the State General Fund;

(h) To investigate any alleged or suspected violation of the laws of the state by any officer or employee of the state, county or other public office in the purchase, sale or the use of any supplies, services, equipment or other property belonging thereto; and in such investigation to do any and all things necessary to procure evidence sufficient either to prove or disprove the existence of such alleged or suspected violations. The Department of Investigation of the State Department of Audit may investigate, for the purpose of prosecution, any suspected criminal violation of the provisions of this chapter. For the purpose of administration

and enforcement of this chapter, the enforcement employees of the Department of Investigation of the State Department of Audit have the powers of a law enforcement officer of this state, and shall be empowered to make arrests and to serve and execute search warrants and other valid legal process anywhere within the State of Mississippi. All enforcement employees of the Department of Investigation of the State Department of Audit hired on or after July 1, 1993, shall be required to complete the Law Enforcement Officers Training Program and shall meet the standards of the program;

(i) To issue subpoenas, with the approval of, and returnable to, a judge of a chancery or circuit court, in termtime or in vacation, to examine the records, documents or other evidence of persons, firms, corporations or any other entities insofar as such records, documents or other evidence relate to dealings with any state, county or other public entity. The circuit or chancery judge must serve the county in which the records, documents or other evidence is located; or where all or part of the transaction or transactions occurred which are the subject of the subpoena;

(j) In any instances in which the State Auditor is or shall be authorized or required to examine or audit, whether preaudit or postaudit, any books, ledgers, accounts or other records of the affairs of any public hospital owned or owned and operated by one or more political subdivisions or parts thereof or any combination thereof, or any school district, including activity funds thereof, it shall be sufficient compliance therewith, in the discretion of the State Auditor, that such examination or audit be made from the report of any audit or other examination certified by a certified public accountant and prepared by or under the supervision of such certified public accountant. Such audits shall be made in accordance with generally accepted standards of auditing, with the use of an audit program prepared by the State Auditor, and final reports of such audits shall conform to the format prescribed by the State Auditor. All files, working papers, notes, correspondence and all other data compiled during the course of the audit shall be available, without cost, to the State Auditor for examination and abstracting during the normal business hours of any business day. The expense of such certified reports shall be borne by the respective hospital, or any available school district funds other than minimum program funds, subject to examination or audit. The

State Auditor shall not be bound by such certified reports and may, in his or their discretion, conduct such examination or audit from the books, ledgers, accounts or other records involved as may be appropriate and authorized by law;

(k) The State Auditor shall have the authority to contract with qualified public accounting firms to perform selected audits required in paragraphs (d), (e), (f) and (j) of this section, if funds are made available for such contracts by the Legislature, or if funds are available from the governmental entity covered by paragraphs (d), (e), (f) and (j). Such audits shall be made in accordance with generally accepted standards of auditing. All files, working papers, notes, correspondence and all other data compiled during the course of the audit shall be available, without cost, to the State Auditor for examination and abstracting during the normal business hours of any business day;

(l) The State Auditor shall have the authority to establish training courses and programs for the personnel of the various state and local governmental entities under the jurisdiction of the Office of the State Auditor. The training courses and programs shall include, but not be limited to, topics on internal control of funds, property and equipment control and inventory, governmental accounting and financial reporting, and internal auditing. The State Auditor is authorized to charge a fee from the participants of these courses and programs, which fee shall be deposited into the Department of Audit Special Fund. State and local governmental entities are authorized to pay such fee and any travel expenses out of their general funds or any other available funds from which such payment is not prohibited by law;

(m) Upon written request by the Governor or any member of the State Legislature, the State Auditor may audit any state funds and/or state and federal funds received by any nonprofit corporation incorporated under the laws of this state;

(n) To conduct performance audits of personal or professional service contracts by state agencies on a random sampling basis, or upon request of the State Personal Service Contract Review Board under Section 25-9-120(3).

* * *

SECTION 2. Section 7-7-213, Mississippi Code of 1972, is amended as follows:

7-7-213. (1) The costs of audits and other services required by Sections 7-7-201 through 7-7-215, except for those audits and services authorized by Section 7-7-211(k) which shall be funded by appropriations made by the Legislature from such funds as it deems appropriate, shall be paid from a special fund hereby created in the State Treasury, to be known as the State Department of Audit Fund, into which will be paid each year the amounts received for performing audits required by law. Except as provided in Section 7-7-211(d) and any municipality required under this chapter to be audited by the State Auditor, the amounts to be charged for performing audits and other services shall be the actual cost, not to exceed Thirty Dollars (\$30.00) per man hour plus the actual cost of any independent specialist firm contracted by the State Auditor to assist in the performance of the audit. Costs paid for independent specialists or firms contracted by the State Auditor shall be paid by the audited entity through the State Auditor to the specialist or firm conducting the audit. In the event of failure by any unit of government to pay the charges authorized herein, the Department of Audit shall notify the State Fiscal Officer, and upon a determination that the charges are substantially correct, the State Fiscal Officer shall notify the defaulting unit of his determination. If payment is not made within thirty (30) days after such notification, the State Fiscal Officer shall notify the State Treasurer and Department of Public Accounts that no further warrants are to be issued to the defaulting unit until the deficiency is paid.

(2) The cost of any service by the department not required of it under the provisions of the cited sections but made necessary by the willful fault or negligence of an officer or employee of any public office of the state shall be recovered (i) from such officer or employee and/or surety on official bond thereof and/or (ii) from the individual, partnership, corporation or association involved, in the same manner and under the same terms, when necessary, as provided the department for recovering public funds in Section 7-7-211.

(3) The State Auditor shall deliver a copy of any audit of the fiscal and financial affairs of a county to the chancery clerk of such county and shall deliver a notice stating that a copy of such audit is on file in the chancery clerk's office to some newspaper published in the county to be published. If no newspaper is published in the county, a copy of such

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notice shall be delivered to a newspaper having a general circulation therein.

* * *

SECTION 3. Section 29-9-13, Mississippi Code of 1972, is amended as follows:

29-9-13. * * * Representatives of the State Auditor's office under the direction of the State Auditor, in making regular audits of the different state agencies, shall make a check or physical audit of the actual items or properties shown on their inventories and related records. Each state agency, the Secretary of the Senate, and the Clerk of the House of Representatives, when requested to do so, shall furnish a competent person or persons to assist in this check or physical audit. The auditor shall keep his records current at all times and shall report to the agency concerned and the general status of the inventory involved, on the completion of each audit.

* * *

SECTION 4. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 934

Description: Qualified equity investment tax credit; revise certain provisions regarding.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: Revenue

Revenue: Yes

Vote type required: Three/Fifths

Effective date: January 1, 2007

Chapter Number: 506

History of Actions:

- 1 01/21 (H) Referred To Ways and Means
- 2 01/30 (H) Title Suff Do Pass
- 3 02/12 (H) Passed {Vote}
- 4 02/13 (H) Transmitted To Senate
- 5 02/15 (S) Referred To Finance
- 6 03/14 (S) Title Suff Do Pass As Amended
- 7 03/19 (S) Amended
- 8 03/19 (S) Passed As Amended {Vote}
- 9 03/19 (S) Motion to Reconsider Entered
- 10 03/20 (S) Motion to Reconsider Tabled
- 11 03/20 (S) Returned For Concurrence
- 12 03/21 (H) Decline to Concur/Invite Conf
- 13 03/25 (H) Conferees Named Smith (39th), Rogers
(61st), Reynolds
- 14 03/27 (S) Conferees Named
Filllingane, Longwitz, Chassaniol
- 15 03/28 (S) Conference Report Filed
- 16 03/28 (H) Conference Report Filed
- 17 03/29 (H) Conference Report Adopted {Vote}
- 18 03/31 (S) Conference Report Adopted {Vote}
- 19 04/03 (H) Enrolled Bill Signed
- 20 04/04 (S) Enrolled Bill Signed
- 21 04/22 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 934
Conference Reports:
Conference Report

Code Section: A 057-0105-0001

----- **Additional Information** -----

House Committee: Ways and Means

Senate Committee: Finance

Principal Author: Smith (39th)

Title: AN ACT TO AMEND SECTION 57-105-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "CREDIT ALLOCATION DATE" FOR PURPOSES OF THE QUALIFIED EQUITY INVESTMENT TAX CREDIT PROGRAM; TO REVISE THE TYPE AND AMOUNT OF INVESTMENTS THAT A QUALIFIED COMMUNITY DEVELOPMENT ENTITY MUST CERTIFY TO THE MISSISSIPPI DEVELOPMENT AUTHORITY WHEN APPLYING FOR QUALIFIED EQUITY INVESTMENT TAX CREDITS; TO REVISE PROVISIONS RELATING TO THE TIME WITHIN WHICH A QUALIFIED COMMUNITY DEVELOPMENT ENTITY ALLOCATED A QUALIFIED EQUITY INVESTMENT TAX CREDIT MUST ISSUE THE QUALIFIED EQUITY INVESTMENT FOR WHICH THE CREDIT WAS ALLOCATED; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 934

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representative Smith (39th)

House Bill 934

(As Sent to Governor)

AN ACT TO AMEND SECTION 57-105-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "CREDIT ALLOCATION DATE" FOR PURPOSES OF THE QUALIFIED EQUITY INVESTMENT TAX CREDIT PROGRAM; TO REVISE THE TYPE AND AMOUNT OF INVESTMENTS THAT A QUALIFIED COMMUNITY DEVELOPMENT ENTITY MUST CERTIFY TO THE MISSISSIPPI DEVELOPMENT AUTHORITY WHEN APPLYING FOR QUALIFIED EQUITY INVESTMENT TAX CREDITS; TO REVISE PROVISIONS RELATING TO THE TIME WITHIN WHICH A QUALIFIED COMMUNITY DEVELOPMENT ENTITY ALLOCATED A QUALIFIED EQUITY INVESTMENT TAX CREDIT MUST ISSUE THE QUALIFIED EQUITY INVESTMENT FOR WHICH THE CREDIT WAS ALLOCATED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-105-1, Mississippi Code of 1972, is amended as follows:

57-105-1. (1) As used in this section:

(a) "Adjusted purchase price" means the investment in the qualified community development entity for the qualified equity investment, substantially all of the proceeds of which are used to make qualified low-income community investments in Mississippi.

For the purposes of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment will be considered held by a qualified community development entity even if the investment has been sold or repaid; provided that the qualified community development entity reinvests an amount equal to the capital returned to or recovered by the qualified community development entity from the original investment, exclusive of any profits realized, in another qualified low-income community investment in Mississippi, including any federal Indian reservation located within the geographical boundary of Mississippi within twelve (12) months of the receipt of such capital. A qualified community development entity will not be required

to reinvest capital returned from the qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment will be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance.

(b) "Applicable percentage" means:

(i) For any equity investment issued prior to July 1, 2008, four percent (4%) for each of the second through seventh credit allowance dates for purposes of the taxes imposed by Section 27-7-5 and one and one-third percent (1-1/3%) for each of the second through seventh credit allowance dates for purposes of the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

(ii) For any equity investment issued from and after July 1, 2008, eight percent (8%) for each of the first through third credit allowance dates for purposes of the taxes imposed by Section 27-7-5 or the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

(c) "Credit allowance date" means, with respect to any qualified equity investment:

(i) The date upon which the investment is initially made (or in the case of an investment made prior to the allocation of credits based on such investment, the date on which the Mississippi Development Authority issues a certificate under subsection (4) of this section allocating credits based on such investment); and

(ii) 1. For equity investments issued prior to July 1, 2008, each of the subsequent six (6) anniversary dates of the date upon which the investment is initially made; or

2. For equity investments issued from and after July 1, 2008, each of the subsequent two (2) anniversary dates of the date upon which the investment is initially made (or in the case of an investment made prior to the allocation of credits based on such investment, the date on which the Mississippi Development Authority issues a certificate under subsection (4) of this section allocating credits based on such investment).

(d) "Qualified community development entity" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended, if the entity has entered into an Allocation Agreement with the Community Development Financial Institutions Fund of the United States Department of the Treasury with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended.

(e) "Qualified active low-income community business" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended.

(f) "Qualified equity investment" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended. The investment does not have to be designated as a qualified equity investment by the Community Development Financial Institutions Fund of the United States Treasury to be considered a qualified equity investment under this section but otherwise must meet the definition under the Internal Revenue Code. In addition to meeting the definition in Section 45D of the Internal Revenue Code such investment must also:

(i) Have been acquired after January 1, 2007, at its original issuance solely in exchange for cash; and

(ii) Have been allocated by the Mississippi Development Authority.

For the purposes of this section, such investment shall be deemed a qualified equity investment on the later of the date such qualified equity investment is made or the date on which the Mississippi Development Authority issues a certificate under subsection (4) of this section allocating credits based on such investment.

(g) "Qualified low-income community investment" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided, however, that the maximum amount of qualified low-income community investments issued for a single qualified active low-income community business, on an aggregate basis with all of its affiliates, that may be included for purposes of allocating any credits under this section shall not exceed Ten Million Dollars (\$10,000,000.00), in the aggregate, whether issued by one (1) or several qualified community development entities.

(2) A taxpayer that holds a qualified equity investment on the credit allowance date of the qualified equity investment shall be entitled to a credit applicable against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123 during the taxable year that includes the credit allowance date. The amount of the credit shall be equal to the applicable percentage of the adjusted purchase price paid to the qualified community development entity for the qualified equity investment. The amount of the credit that may be utilized in any one (1) tax year shall be limited to an amount not greater than the total tax liability of the taxpayer for the taxes imposed by the above-referenced sections. The credit shall not be refundable or transferable. Any unused portion of the credit may be carried forward for seven (7) taxable years beyond the credit allowance date on which the credit was earned. The maximum aggregate amount of qualified equity investments that may be allocated by the Mississippi Development Authority may not exceed an amount that would result in taxpayers claiming in any one (1) state fiscal year credits in excess of Fifteen Million Dollars (\$15,000,000.00), exclusive of credits that might be carried forward from previous taxable years; however, a maximum of one-third (1/3) of this amount may be allocated as credits for taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123. Any taxpayer claiming a credit under this section against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123 shall not be required to pay any additional tax under Section 27-15-123 as a result of claiming such credit. The Mississippi Development Authority shall allocate credits within this limit as provided for in subsection (4) of this section.

(3) Tax credits authorized by this section that are earned by a partnership, limited liability company, S corporation or other similar pass-through entity, shall be allocated among all partners, members or shareholders, respectively, either in proportion to their ownership interest in such entity or as the partners, members or shareholders mutually agree as provided in an executed document. Such allocation shall be made each taxable year of such pass-through entity which contains a credit allowance date.

(4) The qualified community development entity shall apply for credits with the Mississippi Development Authority on forms prescribed by the Mississippi Development Authority. The

qualified community development entity must pay an application fee of One Thousand Dollars (\$1,000.00) to the Mississippi Development Authority at the time the application is submitted. In the application the qualified community development entity shall certify to the Mississippi Development Authority the * * * dollar amount of the qualified equity investments made or to be made in this state, including in any federal Indian reservation located within the state's geographical boundary, during the first twelve-month period following the initial credit allowance date. The Mississippi Development Authority shall allocate credits based on the * * * dollar amount of qualified equity investments as certified in the application. Once the Mississippi Development Authority has allocated credits to a qualified community development entity, * * * if the corresponding qualified equity investment has not been issued as of the date of such allocation, then the corresponding qualified equity investment must be issued not later than sixty (60) days from the date of such allocation * * *. If the qualified equity investment is not issued within such time period, the allocation shall be cancelled and returned to the Mississippi Development Authority for reallocation. Upon final documentation of the qualified low-income community investments, if the actual dollar amount of the investments is lower than the amount estimated, the Mississippi Development Authority shall adjust the tax credit allowed under this section. The Department of Revenue may recapture all of the credit allowed under this section if:

(a) Any amount of federal tax credits available with respect to a qualified equity investment that is eligible for a tax credit under this section is recaptured under Section 45D of the Internal Revenue Code of 1986, as amended; or

(b) The qualified community development entity redeems or makes any principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of the qualified equity investment; or

(c) The qualified community development entity fails to maintain at least eighty-five percent (85%) of the proceeds of the qualified equity investment in qualified low-income community investments in Mississippi at any time prior to the seventh anniversary of the issuance of the qualified equity investment.

Any credits that are subject to recapture under this subsection shall be recaptured from the taxpayer that actually claimed the credit.

The Mississippi Development Authority shall not allocate any credits under this section after January 1, 2014.

(5) Each qualified community development entity that receives qualified equity investments to make qualified low-income community investments in Mississippi must annually report to the Mississippi Development Authority the North American Industry Classification System Code, the county, the dollars invested, the number of jobs assisted and the number of jobs assisted with wages over one hundred percent (100%) of the federal poverty level for a family of four (4) of each qualified low-income community investment.

(6) The Mississippi Development Authority shall file an annual report on all qualified low-income community investments with the Governor, the Clerk of the House of Representatives, the Secretary of the Senate and the Secretary of State describing the North American Industry Classification System Code, the county, the dollars invested, the number of jobs assisted and the number of jobs assisted with wages over one hundred percent (100%) of the federal poverty level for a family of four (4) of each qualified low-income community investment. The annual report will be posted on the Mississippi Development Authority's Internet website.

(7) (a) The purpose of this subsection is to authorize the creation and establishment of public benefit corporations for financing arrangements regarding public property and facilities.

(b) As used in this subsection:

(i) "New Markets Tax Credit transaction" means any financing transaction which utilizes either this section or Section 45D of the Internal Revenue Code of 1986, as amended.

(ii) "Public benefit corporation" means a nonprofit corporation formed or designated by a public entity to carry out the purposes of this subsection.

(iii) "Public entity or public entities" includes utility districts, regional solid waste authorities, regional utility authorities, community hospitals, regional airport authorities, community and junior colleges, educational

building corporations established by or on behalf of the state institutions of higher learning, school districts, planning and development districts, county economic development districts, urban renewal agencies, any other regional or local economic development authority, agency or governmental entity, and any other regional or local industrial development authority, agency or governmental entity.

(iv) "Public property or facilities" means any property or facilities owned or leased by a public entity or public benefit corporation.

(b) Notwithstanding any other provision of law to the contrary, public entities are authorized pursuant to this subsection to create one or more public benefit corporations or designate an existing corporation as a public benefit corporation for the purpose of entering into financing agreements and engaging in New Markets Tax Credit transactions, which shall include, without limitation, arrangements to plan, acquire, renovate, construct, lease, sublease, manage, operate and/or improve new or existing public property or facilities located within the boundaries or service area of the public entity. Any financing arrangement authorized under this subsection shall further any purpose of the public entity and may include a term of up to fifty (50) years.

(d) Notwithstanding any other provision of law to the contrary and in order to facilitate the acquisition, renovation, construction, leasing, subleasing, management, operating and/or improvement of new or existing public property or facilities to further any purpose of a public entity, public entities are authorized to enter into financing arrangements in order to transfer public property or facilities to and/or from public benefit corporations, including, without limitation, sales, sale-leasebacks, leases and lease-leasebacks, provided such transfer is related to any New Markets Tax Credit transaction furthering any purpose of the public entity. Any such transfer under this paragraph (d) and the public property or facilities transferred in connection therewith shall be exempted from any limitation or requirements with respect to leasing, acquiring, and/or constructing public property or facilities.

(e) With respect to a New Markets Tax Credit transaction, public entities and public benefit corporations are authorized to enter into financing arrangements with any governmental, nonprofit or for-profit entity in order to leverage funds not

otherwise available to public entities for the acquisition, construction and/or renovation of properties transferred to such public benefit corporations. The use of any funds loaned by or contributed by a public benefit corporation or borrowed by or otherwise made available to a public benefit corporation in such financing arrangement shall be dedicated solely to (i) the development of new properties or facilities and/or the renovation of existing properties or facilities or operation of properties or facilities, and/or (ii) the payment of costs and expenditures related to any such financing arrangements including, but not limited to, funding any reserves required in connection therewith, the repayment of any indebtedness incurred in connection therewith, and the payment of fees and expenses incurred in connection with the closing, administration, accounting and/or compliance with respect to the New Markets Tax Credit transaction.

(f) A public benefit corporation created pursuant to this subsection shall not be a political subdivision of the state but shall be a nonprofit corporation organized and governed under the provisions of the laws of this state and shall be a special purpose corporation established to facilitate New Markets Tax Credit transactions consistent with the requirements of this section.

(g) Neither this subsection nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which the public entity or public benefit corporation might otherwise have under any laws of this state, and this subsection is cumulative to any such powers. This subsection does and shall be construed to provide a complete additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws.

(8) The Mississippi Development Authority shall promulgate rules and regulations to implement the provisions of this section.

SECTION 2. This act shall take effect and be in force from and after January 1, 2007.

**Mississippi Legislature
2013 Regular Session**

House Bill 1001

Description: Resident combination small game license; reduce price for issuance to \$8.00.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 501

History of Actions:

1	01/21	(H) Referred To Wildlife, Fisheries and Parks
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/13	(S) Referred To Wildlife, Fisheries and Parks
6	02/20	(S) Title Suff Do Pass As Amended
7	02/27	(S) Amended
8	02/27	(S) Passed As Amended {Vote}
9	02/28	(S) Returned For Concurrence
10	03/06	(H) Decline to Concur/Invite Conf
11	03/25	(H) Conferees Named Bounds, Morgan, White
12	03/26	(S) Conferees Named Ward, Hill, Jackson (32nd)
13	03/28	(H) Conference Report Filed
14	03/28	(S) Conference Report Filed
15	03/30	(H) Conference Report Adopted {Vote}
16	04/02	(S) Conference Report Adopted {Vote}
17	04/08	(H) Enrolled Bill Signed
18	04/08	(S) Enrolled Bill Signed
19	04/22	Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1001

Conference Reports:

| Conference Report

Code Section: A 049-0007-0005, A 049-0007-0020

----- Additional Information -----

House Committee: Wildlife, Fisheries and Parks

Senate Committee: Wildlife, Fisheries and Parks

Principal Author: Bounds

Additional Authors: Rushing, Morgan

Title: AN ACT TO AMEND SECTION 49-7-5, MISSISSIPPI CODE OF 1972, TO REDUCE THE PRICE FOR THE ISSUANCE OF A RESIDENT COMBINATION SMALL GAME HUNTING AND FISHING LICENSE FROM THIRTEEN DOLLARS TO EIGHT DOLLARS; TO AMEND SECTION 49-7-20, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO HUNT WITH A RESIDENT COMBINATION SMALL GAME HUNTING AND FISHING LICENSE WITHOUT CERTIFICATION OF SATISFACTORY COMPLETION OF A HUNTER EDUCATION COURSE APPROVED BY THE DEPARTMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Wildlife, Fisheries and Parks

By: Representatives Bounds, Rushing, Morgan

House Bill 1001

(As Sent to Governor)

AN ACT TO AMEND SECTION 49-7-5, MISSISSIPPI CODE OF 1972, TO REDUCE THE PRICE FOR THE ISSUANCE OF A RESIDENT COMBINATION SMALL GAME HUNTING AND FISHING LICENSE FROM THIRTEEN DOLLARS TO EIGHT DOLLARS; TO AMEND SECTION 49-7-20, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO HUNT WITH A RESIDENT COMBINATION SMALL GAME HUNTING AND FISHING LICENSE WITHOUT CERTIFICATION OF SATISFACTORY COMPLETION OF A HUNTER EDUCATION COURSE APPROVED BY THE DEPARTMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-7-5, Mississippi Code of 1972, is amended as follows:

49-7-5. (1) (a) Any resident, as defined in Section 49-7-3, upon application, shall receive a combination resident hunting and fishing license for the sum of Seventeen Dollars (\$17.00). * * * The license shall qualify the licensee to hunt under this chapter all game and fowl, including deer and turkey, and to fish in any county of the state.

(b) Any resident, as defined in Section 49-7-3, upon application, shall receive a resident combination small game hunting and fishing license for the sum of * * * Eight Dollars (\$8.00) together with the fee provided in Section 49-7-17 to the office or agent issuing * * * the license. * * * The hunting license shall qualify the licensee to hunt and fish under this chapter all game and fowl, except deer and turkey, in any county in the state.

* * *

(* * * c) Any resident, as defined in Section 49-7-3, upon application, shall receive a sportsman's license for the sum of Thirty-two Dollars (\$32.00). * * * The license shall qualify the licensee to hunt under this chapter all game and fowl, including deer and turkey, and to fish as provided by law, in any county in the state, and to hunt using primitive

weapons and bow and arrow in the manner provided by law. The commission may notify the licensee of the expiration of his license, and the licensee may renew the license by mailing the sum of Thirty-two Dollars (\$32.00) to the commission. A licensee who has not renewed the license within thirty (30) days after the expiration date shall be removed from the commission's records, and the licensee must apply to be placed on the renewal list.

(* * *d) In addition to a hunting license allowing the taking of turkey, a resident who hunts turkey during a fall turkey season must purchase a fall turkey hunting permit for a fee of Five Dollars (\$5.00) plus the fee provided in Section 49-7-17. A resident sportsman's licensee or resident lifetime sportsman licensee may hunt during the fall turkey season without purchasing a permit.

(* * *e) The commission may offer a resident apprentice hunting license for a resident who does not have the required certificate of hunter education and may set the fee for the apprentice hunting license. An apprentice license may be purchased only one (1) time by a resident and the apprentice hunting licensee must be accompanied by a licensed or exempt resident hunter at least twenty-one (21) years of age when hunting.

(2) (a) Any resident citizen of the State of Mississippi who has not reached the age of sixteen (16) years or who has reached the age of sixty-five (65) years, or any resident citizen who is blind, paraplegic, or a multiple amputee, or who has been adjudged by the Veterans Administration as having a total service-connected disability, or has been adjudged to be totally disabled by the Social Security Administration shall not be required to purchase or have in his possession, a hunting or fishing license while engaged in such activities. A person exempt by reason of total service-connected disability, as adjudged by the Veterans Administration or who has been adjudged to be totally disabled by the Social Security Administration or who is blind, paraplegic or a multiple amputee, shall have in their possession and on their person proof of their age, residency, disability status or other respective physical impairment while engaged in the activities of hunting or fishing.

(b) Any resident who is a member of the Armed Forces, including the Reserves and National Guard, and on active duty

outside the State of Mississippi is not required to purchase or have in his possession a hunting or fishing license while engaged in such activities on leave from active duty. * * * The resident shall have in his possession and on his person * * * any proof as may be required by the commission.

(c) All exempt hunting and fishing licenses previously issued for disabilities shall be null and void effective July 1, 1993.

(d) The commission may offer a youth all-game hunting and fishing license for exempt youths who have a hunter education certificate and an all-game hunting and fishing license for other persons exempted under paragraph (a). Youths and other exempt persons shall not be required to purchase this license or have it in possession while hunting or fishing. The commission may establish a fee not to exceed Five Dollars (\$5.00) for * * * the licenses.

(3) No license shall be required of residents to hunt, fish or trap on lands in which the record title is vested in such person.

(4) Any person or persons exempt under this section from procuring a license shall be subject to and must comply with all other terms and provisions of this chapter.

(5) Any person authorized to issue any license under this section may collect and retain for the issuance of each license the additional fee authorized under Section 49-7-17.

SECTION 2. Section 49-7-20, Mississippi Code of 1972, is amended as follows:

49-7-20. (1) It is unlawful for any person born on or after January 1, 1972, to procure any Mississippi hunting license, except a resident apprentice hunting license and a resident combination small game hunting and fishing license, unless the person has been issued certification of satisfactory completion of a hunter education course approved by the department.

(2) It is unlawful for any person to issue any Mississippi hunting license, except a resident apprentice hunting license and resident combination small game hunting and fishing license, to any person born on or after January 1, 1972, unless the purchaser has provided valid certification of satisfactory completion of a hunter education course approved by the department.

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(3) It is unlawful for any person to fraudulently obtain a hunter education certification.

(4) The department may revoke any hunting license or hunter education certification upon determination that the holder was not entitled to issuance or obtained the license or certification by any fraudulent means.

(5) It is unlawful for any person born on or after January 1, 1972, to hunt with a resident combination small game hunting and fishing license, unless the person has been issued certification of satisfactory completion of a hunter education course approved by the department.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1003

Description: Historic property income tax credit; authorize the transfer, sale or assignment of the credit.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 504

History of Actions:

- | | | | |
|-------------------|-------|-----|---|
| 1 | 01/21 | (H) | Referred To Ways and Means |
| 2 | 02/04 | (H) | Title Suff Do Pass |
| 3 | 02/06 | (H) | Passed {Vote} |
| 4 | 02/07 | (H) | Transmitted To Senate |
| 5 | 02/12 | (S) | Referred To Finance |
| 6 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 7 | 03/13 | (S) | Amended |
| 8 | 03/13 | (S) | Passed As Amended {Vote} |
| 9 | 03/18 | (S) | Returned For Concurrence |
| 10 | 03/18 | (H) | Decline to Concur/Invite Conf |
| 11 | 03/25 | (H) | Conferees Named Smith (39th), Rogers |
| (61st), Martinson | | | |
| 12 | 03/27 | (S) | Conferees Named Fillingane, Brown, Doty |
| 13 | 03/29 | (S) | Conference Report Filed |
| 14 | 03/29 | (H) | Conference Report Filed |
| 15 | 03/30 | (H) | Conference Report Adopted {Vote} |
| 16 | 03/31 | (S) | Conference Report Adopted {Vote} |
| 17 | 04/03 | (S) | Enrolled Bill Signed |
| 18 | 04/03 | (H) | Enrolled Bill Signed |
| 19 | 04/22 | | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 Replaced by Substitute

[S] Substitute No 1 for Committee Amendment No 1 *Adopted* Voice Vote

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[S] Amendment No 1 to Substitute No 1 for Committee Amendment No 1 *Adopted* Voice
Vote

Amendment Report for House Bill No. 1003

Conference Reports:

| Conference Report

Code Section: A 027-0007-0022.31

----- **Additional Information** -----

House Committee: Ways and Means

Senate Committee: Finance

Principal Author: Smith (39th)

Additional Authors: Scott

Title: AN ACT TO AMEND SECTION 27-7-22.31, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR COSTS AND EXPENSES INCURRED FOR THE REHABILITATION OF CERTAIN HISTORIC STRUCTURES TO INCLUDE IN THE DEFINITION OF THE TERM "CERTIFIED HISTORIC STRUCTURE" PROPERTY THAT HAS BEEN DETERMINED ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR AND WILL BE LISTED WITHIN 30 MONTHS OF CLAIMING THE CREDIT; TO EXPAND THE TYPES OF STRUCTURES THAT ARE INCLUDED IN THE TERM "STRUCTURE IN A CERTIFIED HISTORIC DISTRICT" TO AUTHORIZE TAXPAYERS TO CLAIM THE CREDIT IN PHASES IF CERTAIN CONDITIONS ARE MET; TO PROVIDE THAT A CREDIT RECEIVED PURSUANT TO THIS SECTION IS SUBJECT TO RECAPTURE UNDER CERTAIN CIRCUMSTANCES; TO AUTHORIZE THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO GRANT EXEMPTIONS FROM AD VALOREM TAXATION, EXCEPT AD VALOREM TAXATION FOR SCHOOL DISTRICT PURPOSES, FOR IMPROVEMENTS TO OR RENOVATIONS OF EXISTING RESIDENTIAL STRUCTURES OR EXISTING STRUCTURES THAT ARE CONVERTED FOR RESIDENTIAL USE THAT ARE LOCATED IN THE AREAS THAT ARE DESIGNATED AS BLIGHTED BY THE MUNICIPALITY, FOR A PERIOD OF NOT MORE THAN 10 YEARS FROM THE DATE OF THE COMPLETION OF THE IMPROVEMENT TO OR RENOVATION OF THE EXISTING RESIDENTIAL STRUCTURE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1003

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representatives Smith (39th), Scott

House Bill 1003

(As Sent to Governor)

AN ACT TO AMEND SECTION 27-7-22.31, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR COSTS AND EXPENSES INCURRED FOR THE REHABILITATION OF CERTAIN HISTORIC STRUCTURES TO INCLUDE IN THE DEFINITION OF THE TERM "CERTIFIED HISTORIC STRUCTURE" PROPERTY THAT HAS BEEN DETERMINED ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR AND WILL BE LISTED WITHIN 30 MONTHS OF CLAIMING THE CREDIT; TO EXPAND THE TYPES OF STRUCTURES THAT ARE INCLUDED IN THE TERM "STRUCTURE IN A CERTIFIED HISTORIC DISTRICT" TO AUTHORIZE TAXPAYERS TO CLAIM THE CREDIT IN PHASES IF CERTAIN CONDITIONS ARE MET; TO PROVIDE THAT A CREDIT RECEIVED PURSUANT TO THIS SECTION IS SUBJECT TO RECAPTURE UNDER CERTAIN CIRCUMSTANCES; TO AUTHORIZE THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO GRANT EXEMPTIONS FROM AD VALOREM TAXATION, EXCEPT AD VALOREM TAXATION FOR SCHOOL DISTRICT PURPOSES, FOR IMPROVEMENTS TO OR RENOVATIONS OF EXISTING RESIDENTIAL STRUCTURES OR EXISTING STRUCTURES THAT ARE CONVERTED FOR RESIDENTIAL USE THAT ARE LOCATED IN THE AREAS THAT ARE DESIGNATED AS BLIGHTED BY THE MUNICIPALITY, FOR A PERIOD OF NOT MORE THAN 10 YEARS FROM THE DATE OF THE COMPLETION OF THE IMPROVEMENT TO OR RENOVATION OF THE EXISTING RESIDENTIAL STRUCTURE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-7-22.31, Mississippi Code of 1972, is amended as follows:

27-7-22.31. (1) As used in this section:

(a) "Certified historic structure" means a property located in Mississippi * * * that has been:

(i) Listed individually on the National Register of Historic Places; or

(ii) Determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty

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(30) months of claiming the credit authorized by this section; or

(iii) Property * * * designated a Mississippi Landmark by the Department of Archives and History pursuant to Section 39-7-3 et seq.

(b) "Eligible property" means property located in Mississippi and offered or used for residential or business purposes.

(c) "Structure in a certified historic district" means a structure (and its structural components) located in Mississippi which * * *:

(i) Is listed in the National Register of Historic Places; or

(ii) Has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty (30) months of claiming the credit authorized by this section; or

(* * *iii) Is located in a registered historic district listed on the National Register of Historic Places or located in a potential district that has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty (30) months of claiming the credit authorized by this section, and is certified by the Secretary of the United States Department of the Interior as being of historic significance to the district; or

(* * *iv) Is certified by the Mississippi Department of Archives and History as contributing to the historic significance of :

1. A certified historic district listed on the National Register of Historic Places; or

2. A potential district that has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty (30) months of claiming the credit authorized by this section; or

3. A local district that has been certified by the United States Department of the Interior.

(d) "Department" means the Department of Archives and History.

(2) Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or a structure in a certified historic district, shall be entitled to a credit against the taxes imposed pursuant to this chapter in an amount equal to twenty-five percent (25%) of the total costs and expenses of rehabilitation incurred after January 1, 2006, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder:

(a) If the costs and expenses associated with rehabilitation exceed:

(i) Five Thousand Dollars (\$5,000.00) in the case of an owner-occupied dwelling; or

(ii) Fifty percent (50%) of the total basis in the property in the case of all other properties; and

(b) The rehabilitation is consistent with the standards of the Secretary of the United States Department of the Interior as determined by the department.

(3) Any taxpayer eligible for the credit authorized by this section may claim the credit in phases if:

(a) There is a written set of architectural plans and specifications for all phases of the rehabilitation (written plans outlining and describing all phases of the rehabilitation shall be accepted as written plans and specifications);

(b) The written set of architectural plans and specifications are completed before the physical work on the rehabilitation begins; and

(c) It can reasonably be expected that all phases of the rehabilitation will be completed.

(* * *4) (a) (i) If the amount of the tax credit established by this section exceeds the total state income tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the total state income tax liability may be carried forward for the ten (10) succeeding tax years.

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(ii) If the amount of the tax credit established by this section exceeds Two Hundred Fifty Thousand Dollars (\$250,000.00), the taxpayer may elect to claim a refund in the amount of seventy-five percent (75%) of the excess credit in lieu of the ten-year carryforward. The election must be made in the year in which the rehabilitated property is placed in service. Refunds will be paid in equal installments over a two-year period and shall be made from current collections.

(iii) Refund requests shall be submitted to the Department of Revenue on forms prescribed by the department. Refunds shall be made from current tax collections.

(b) Not-for-profit entities, including, but not limited to, nonprofit corporations organized under Section 79-11-101 et seq. shall be ineligible for the credit authorized by this section. Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners on a pro rata basis or pursuant to an executed agreement among the partners, members or owners documenting an alternative distribution method. Partners, members or other owners of a pass-through entity are not eligible to elect a refund of excess credit in lieu of a carryforward of the credit. However, a partnership or limited liability company taxed as a partnership may elect to claim a refund of excess credit at the entity level on a form prescribed by the Department of Revenue. Additionally, excess tax credits that are attributable to rehabilitated property that was placed in service by a pass-through entity prior to January 1, 2011, and that have previously been allocated to and are held by another pass-through entity prior to January 1, 2011, may be refunded to such other pass-through entity.

(* * *5) (a) To claim the credit authorized pursuant to this section, the taxpayer shall apply to the department which shall determine the amount of eligible rehabilitation costs and expenses and whether the rehabilitation is consistent with the standards of the Secretary of the United States Department of the Interior. The department shall issue a certificate evidencing the eligible credit if the taxpayer is found to be eligible for the tax credit. The taxpayer shall attach the certificate to all income tax returns on which the credit is claimed.

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(b) The aggregate amount of tax credits that may be awarded under this section shall not exceed Sixty Million Dollars (\$60,000,000.00).

(* * *6) (a) The credit received by a taxpayer pursuant to this section is subject to recapture if:

(i) The property is one that has been determined eligible for the National Register of Historic Places but is not listed on the National Register of Historic Places within thirty (30) months of claiming the credit authorized by this section;

(ii) The potential district in which the property is located is not listed on the National Register of Historic Places within thirty (30) months of claiming the credit authorized by this section; or

(iii) The rehabilitation of the property for which the credit was granted is abandoned.

(b) The taxpayer shall notify the department and the Department of Revenue if any of the situations that subject the credit to recapture occur.

(* * *7) (a) The board of trustees of the department shall establish fees to be charged for the services performed by the department under this section and shall publish the fee schedule. The fees contained in the schedule shall be in amounts reasonably calculated to recover the costs incurred by the department for the administration of this section. Any taxpayer desiring to participate in the tax credits authorized by this section shall pay the appropriate fee as contained in the fee schedule to the department, which shall be used by the department, without appropriation, to offset the administrative costs of the department associated with its duties under this section.

(b) There is hereby created within the State Treasury a special fund into which shall be deposited all the fees collected by the department pursuant to this section. Money deposited into the fund shall not lapse at the end of any fiscal year and investment earnings on the proceeds in such special fund shall be deposited into such fund. Money from the fund shall be disbursed upon warrants issued by the State Fiscal Officer upon requisitions signed by the executive director of the department to assist the department in carrying out its duties under this section.

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(* * *8) This section shall only apply to taxpayers:

(a) Who have been issued a certificate evidencing the eligible credit before December 31, 2014; or

(b) Who, before December 31, 2014, have received a determination in writing from the Mississippi Department of Archives and History, in accordance with the department's Historic Preservation Certificate Application, Part 2, that the rehabilitation is consistent with the historic character of the property and that the property meets the United States Secretary of the Interior's Standards for Rehabilitation, or will meet the standards if certain specified conditions are met, and, who are issued a certificate evidencing the eligible credit on or after December 31, 2014.

SECTION 2. (1) The governing authorities of any municipality are authorized, in their discretion, to grant exemptions from ad valorem taxation, except ad valorem taxation for school district purposes, for improvements to or renovations of existing residential structures or existing structures converted for residential use that are located in the areas that are designated as blighted by the municipality, for a period of not more than ten (10) years from the date of the completion of the improvement to or renovation of the existing structure for which the exemption is granted.

(2) Any person, firm or corporation desiring to obtain the exemption authorized in this section shall first file a written application for the exemption with the governing authorities of the municipality, providing full information about the property for which the exemption is requested, including the true value of the property, and the date from which the exemption is to begin. Any application for an exemption under this section must be made within twelve (12) months from the date of the completion of the improvement to or renovation of the existing structure for which the exemption is requested. The governing authorities of the municipality may, by order spread on their minutes, approve an application for all or any part of the property for which the exemption is requested and for all or any part of the authorized period of exemption. The order shall specify the property to be exempted and the dates when the exemption begins and expires. The municipal clerk shall record the application and the order approving the exemption in a book kept in his office for that purpose,

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and shall file one (1) copy of the application and the order with the Department of Revenue.

(3) Any exemption granted under this section shall be in lieu of ad valorem tax exemptions authorized under any other provision of law.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1005

Description: Trapping; revise provision relating to manner of and dates allowed for selling of pelts.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 514

History of Actions:

- 1 01/21 (H) Referred To Wildlife, Fisheries and Parks
- 2 01/31 (H) Title Suff Do Pass
- 3 02/07 (H) Passed {Vote}
- 4 02/08 (H) Transmitted To Senate
- 5 02/13 (S) Referred To Wildlife, Fisheries and Parks
- 6 02/28 (S) Title Suff Do Pass As Amended
- 7 03/11 (S) Amended
- 8 03/11 (S) Passed As Amended {Vote}
- 9 03/12 (S) Returned For Concurrence
- 10 03/18 (H) Decline to Concur/Invite Conf
- 11 03/25 (H) Conferees Named Bounds, Morgan, Carpenter
- 12 03/26 (S) Conferees Named Ward, Stone, Massey
- 13 03/28 (H) Conference Report Filed
- 14 03/28 (S) Conference Report Filed
- 15 03/30 (H) Conference Report Adopted {Vote}
- 16 04/02 (S) Conference Report Adopted {Vote}
- 17 04/08 (H) Enrolled Bill Signed
- 18 04/08 (S) Enrolled Bill Signed
- 19 04/23 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1005

Conference Reports:

| Conference Report

Code Section: A 049-0007-0013, A 049-0007-0053, A 049-0007-0065

----- Additional Information -----

House Committee: Wildlife, Fisheries and Parks

Senate Committee: Wildlife, Fisheries and Parks

Principal Author: Bounds

Additional Authors: Morgan

Title: AN ACT TO AMEND SECTION 49-7-13, MISSISSIPPI CODE OF 1972, TO EXEMPT THE LICENSURE REQUIREMENT FOR CERTAIN INDIVIDUALS WHO TRAP ON CERTAIN PRIVATE LANDS; TO PROHIBIT THE USE OF CERTAIN TRAPPING DEVICES ON PUBLIC LANDS, UNLESS EXCEPTIONS ARE GRANTED; TO AUTHORIZE THE USE OF CERTAIN TRAPPING DEVICES BY DESIGNATED LEGAL AUTHORITY OF PUBLIC LANDS OR ITS AGENT FOR NUISANCE CONTROL; TO REQUIRE TRAPPING DEVICES TO HAVE A DEPARTMENT-ISSUED IDENTIFICATION NUMBER ON A METAL TAG; TO PROVIDE FOR THE IDENTIFICATION OF TRAPPING DEVICES OF INDIVIDUALS EXEMPT FROM LICENSURE REQUIREMENTS; TO PROVIDE AN EXCEPTION TO THE PROHIBITION ON THE USE OF TRAPPING DEVICES WITHIN 100 FEET OF ANY STREET OR PUBLIC ROAD; TO INCREASE THE AUTHORITY TO SELL OR CONSIGN RAW FUR OF FUR-BEARING ANIMALS FROM 10 TO 30 DAYS AFTER THE CLOSE OF TRAPPING SEASON; TO PROHIBIT THE TRANSPORTING OF RAW FUR OR GREEN PELTS WITHIN THE STATE FROM 11 DAYS AFTER THE CLOSE OF TRAPPING SEASON UNTIL THE OPENING OF THE TRAPPING SEASON UNLESS DOCUMENTED; TO DEFINE CERTAIN TERMS USED HEREIN; TO AMEND SECTIONS 49-7-53 AND 49-7-65, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1005

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Wildlife, Fisheries and Parks

By: Representatives Bounds, Morgan

House Bill 1005

(As Sent to Governor)

AN ACT TO AMEND SECTION 49-7-13, MISSISSIPPI CODE OF 1972, TO EXEMPT THE LICENSURE REQUIREMENT FOR CERTAIN INDIVIDUALS WHO TRAP ON CERTAIN PRIVATE LANDS; TO PROHIBIT THE USE OF CERTAIN TRAPPING DEVICES ON PUBLIC LANDS, UNLESS EXCEPTIONS ARE GRANTED; TO AUTHORIZE THE USE OF CERTAIN TRAPPING DEVICES BY DESIGNATED LEGAL AUTHORITY OF PUBLIC LANDS OR ITS AGENT FOR NUISANCE CONTROL; TO REQUIRE TRAPPING DEVICES TO HAVE A DEPARTMENT-ISSUED IDENTIFICATION NUMBER ON A METAL TAG; TO PROVIDE FOR THE IDENTIFICATION OF TRAPPING DEVICES OF INDIVIDUALS EXEMPT FROM LICENSURE REQUIREMENTS; TO PROVIDE AN EXCEPTION TO THE PROHIBITION ON THE USE OF TRAPPING DEVICES WITHIN 100 FEET OF ANY STREET OR PUBLIC ROAD; TO INCREASE THE AUTHORITY TO SELL OR CONSIGN RAW FUR OF FUR-BEARING ANIMALS FROM 10 TO 30 DAYS AFTER THE CLOSE OF TRAPPING SEASON; TO PROHIBIT THE TRANSPORTING OF RAW FUR OR GREEN PELTS WITHIN THE STATE FROM 11 DAYS AFTER THE CLOSE OF TRAPPING SEASON UNTIL THE OPENING OF THE TRAPPING SEASON UNLESS DOCUMENTED; TO DEFINE CERTAIN TERMS USED HEREIN; TO AMEND SECTIONS 49-7-53 AND 49-7-65, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-7-13, Mississippi Code of 1972, is amended as follows:

49-7-13. (1) For the purposes of this chapter, the following terms shall have the meaning ascribed herein, unless the context determines otherwise:

(a) "Raw fur" means the skin that has not been removed from the carcass of a fur-bearing animal or nuisance animal.

(b) "Green pelt" means the skin, with hair or fur attached, that has been removed from a fur-bearing animal or nuisance animal, but has not been tanned or fleshed, stretched and dried.

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(c) "Dried pelt" means the skin of a fur-bearing animal or nuisance animal that has been fleshed, stretched and dried.

(* * *2) Any resident of the state sixteen (16) years of age or older, upon application, is entitled to receive a state trapper's license with tag for the sum of Twenty-five Dollars (\$25.00), plus the fee provided in Section 49-7-17. This license shall be required of each helper or assistant sixteen (16) years of age or older employed or used by a trapper. No license shall be required of a resident who traps on lands in which the record title is vested in that person.

(* * *3) (a) No person shall trap on the lands of another unless he has the permission of the landowner.

(b) No person shall use, on any public lands, a conibear-type or body-gripping trap with an inside jaw spread exceeding seven (7) inches, unless it is partially submerged in water. The designated legal authority of any public lands and its agents shall be exempt from the requirement of this subsection for the purpose of nuisance control.

(* * *4) (a) Each* * * licensed trapper shall have an identification number issued by the department. The licensed trapper shall have the identification number permanently inscribed on the trap or attached to the trap by a metal tag.

(b) A person exempt from purchasing a trapping license must tag or permanently inscribe any trap with his name, phone number and address.

(c) The conservation officer may take up any traps not properly marked.

(d) Every trapper shall visit his traps at least every thirty-six (36) hours.

(* * *5) Except as otherwise provided in this section, no person shall place or set a trap on or within one hundred (100) feet of any street or public road. Public roads shall not be construed to mean public waterways.

* * *

(6) (a) A licensed trapper or resident under sixteen (16) years of age shall be allowed to trap fur-bearing animals during trapping season, and sell or consign the * * * raw fur, green pelts and dried pelts of fur-bearing and nuisance animals during the trapping season and for * * * thirty (30) days after the close of the season. Only a licensed trapper or

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resident under sixteen (16) years of age may sell or consign the raw fur, green pelts and dried pelts of fur-bearing nuisance animals.

(b) A trapper may not transport the raw fur or green pelts of fur-bearing animals within the state from eleven (11) days after the close of trapping season until the opening day of the following trapping season, unless each raw fur or green pelt is tagged or documented with the name, address and trapping identification number of the person who harvested the raw fur or green pelt and the date and place of harvest. An official possession tag that has been issued by another state shall be considered legally documented.

(c) A licensed trapper may possess and maintain in storage the raw fur, green pelts and dried pelts of fur-bearing and nuisance animals at any time.

(d) The meat of legally acquired raccoons, opossums and muskrats may also be bought and sold during trapping season, and for * * * thirty (30) days after the close of the season.

(7) (a) A municipality or county, or any person who has contracted with a municipality or county for the purpose authorized in this subsection, may place or set only snare traps within one hundred (100) feet of any road or street located within such municipality or county. Before the action authorized by this section is taken, the governing authority of the municipality or the board of supervisors of the county shall make a finding that such placement of snare traps is reasonable and necessary to protect the public safety by removing fur-bearing and nuisance animals that threaten the safety of public roads and bridges. Snares shall be submerged at least fifty percent (50%).

(b) Landowners and their designated agents may place or set snare traps, conibear-type or body-gripping traps, live cage traps and foothold traps on property owned by the landowner within one hundred (100) feet of any road or street, but not within the maintained public road or street right-of-way.

(c) Snare traps, conibear-type or body-gripping traps shall be submerged in water at least fifty percent (50%) and foothold traps shall be completely submerged in water.

SECTION 2. Section 49-7-53, Mississippi Code of 1972, is amended as follows:

49-7-53. (1) It is unlawful for any railroad, express company or common carrier to knowingly receive for shipment or to ship any game animals, birds, or fish named in this chapter; except that a railroad, express company or common carrier may receive and carry game animals, birds or fish when accompanied by the hunter killing same and as provided otherwise in this chapter.

(2) No person or corporation may ship, transport or carry, cause to be shipped, transported or carried, or receive for shipment, transportation or carriage, or have in his possession with intent to ship, transport or carry, or secure the shipment, transportation or carriage beyond the limits of this state, any game animal, bird or fish, except for the following in accordance with rules and regulations promulgated by the commission:

(a) Rabbits;

(b) The furs or pelts of beaver, opossum, otter, raccoon or other fur-bearing animals during the open season and * * * thirty (30) days thereafter;

(c) Skins and sinew of deer and products crafted, fashioned or made from deer bones or antlers not in velvet;

(d) Game fish produced in a legally permitted aquaculture facility pursuant to Section 79-22-9;

(e) Any part of a wild turkey, except the meat; and

(f) The meat, hide or any other body parts of nuisance animals.

(3) The offering or reception by any person or corporation within this state of any such birds, animals or fish for shipment from this state shall be prima facie evidence that such birds, animals or game fish were killed, captured or taken within the state. Each game animal, bird or fish in possession, received for shipment or transportation, or shipped or transported in violation of this section is a separate offense.

(4) A nonresident licensee during the open season may ship, transport or carry from this state any game animal, bird or fish lawfully taken but not in excess of the bag and possession limits prescribed in Section 49-7-41.

Such nonresident licensee shall accompany the shipment or shall attach to such animals, birds or fish, or any package containing them, an affidavit in a form to be prescribed by

the executive director that such animals, birds or fish were lawfully killed or taken by him and are being shipped or transported to his home and are not for sale. A duplicate of such affidavit shall be filed with the transportation company or agent thereof, whose duty it shall be to transmit the same to the executive director within ten (10) days after its receipt. Such affidavit shall be sworn to within ten (10) days after its receipt, and shall be sworn to before a person authorized to administer oaths in the state. For such purpose, conservation officers and agents of the transportation companies are hereby authorized to administer such oaths.

(5) A violation of this section is a Class I violation and is punishable as provided in Section 49-7-141.

SECTION 3. Section 49-7-65, Mississippi Code of 1972, is amended as follows:

49-7-65. Except as provided in this chapter, it is unlawful for any person to hunt, trap, take, kill, wound or capture, or attempt to hunt, trap, take, kill, wound or capture any fur-bearing animals except during the open season prescribed by law or regulation* * *. However, mink may be hunted with dogs during the season for taking of fur-bearing animals on payment of trapper's license fee by person so hunting mink with dogs.

SECTION 4. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1009

Description: Child support; authorize DHS to contract with vendors to improve program.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 515

History of Actions:

1	01/21	(H) Referred To S.C. Accountblty/Efficiency/ Transparency
2	01/30	(H) Title Suff Do Pass
3	02/12	(H) Amended
4	02/12	(H) Passed As Amended {Vote}
5	02/12	(H) Motion to Reconsider Entered (Evans (91st), Turner, Crawford, Holland, Hines, Malone)
6	02/15	(H) Motion to Recnsdr Tabled Lost
7	02/18	(H) Motion to Reconsider Tabled
8	02/20	(H) Transmitted To Senate
9	02/22	(S) Referred To Accountability, Efficiency, Transparency
10	02/28	(S) Title Suff Do Pass As Amended
11	03/13	(S) Amended
12	03/13	(S) Passed As Amended {Vote}
13	03/14	(S) Returned For Concurrence
14	03/18	(H) Decline to Concur/Invite Conf
15	03/25	(H) Conferees Named Turner, Crawford, Holloway
16	03/27	(S) Conferees Named Collins, Brown, Polk
17	03/29	(S) Conference Report Filed
18	03/29	(H) Conference Report Filed
19	04/02	(H) Motion to Recommit Lost
20	04/02	(H) Conference Report Adopted {Vote}
21	04/02	(H) Motion to Reconsider Entered (Evans (70th), Turner, Crawford)

2013 GENERAL LAWS OF MISSISSIPPI HB 1009

22 04/03 (H) Motion to Reconsider Tabled
23 04/03 (S) Conference Report Adopted {Vote}
24 04/08 (H) Enrolled Bill Signed
25 04/08 (S) Enrolled Bill Signed
26 04/23 - Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted* Voice Vote
[H] Amendment No 2 Lost Voice Vote
[S] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 1009

Conference Reports:

Conference Report

Code Section: A 043-0001-0003

----- Additional Information -----

House Committee: S.C. Accountability/Efficiency/Transparency

Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Crawford

Additional Authors: Martinson, Brown (20th), Dixon

Title: AN ACT TO AMEND SECTION 43-1-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES TO CONTRACT WITH VENDORS OR CONTRACTORS TO IMPROVE THE PERFORMANCE AND EFFICIENCY OF ITS SERVICES; TO REQUIRE ADVANCE LEGISLATIVE APPROVAL BEFORE A COUNTY OFFICE OF THE DEPARTMENT MAY BE CLOSED; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1009

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: S.C. Accountblty/Efficiency/Transparency

By: Representatives Crawford, Martinson, Brown (20th), Dixon

House Bill 1009

(As Sent to Governor)

AN ACT TO AMEND SECTION 43-1-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES TO CONTRACT WITH VENDORS OR CONTRACTORS TO IMPROVE THE PERFORMANCE AND EFFICIENCY OF ITS SERVICES; TO REQUIRE ADVANCE LEGISLATIVE APPROVAL BEFORE A COUNTY OFFICE OF THE DEPARTMENT MAY BE CLOSED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-1-3, Mississippi Code of 1972, is amended as follows:

43-1-3. Notwithstanding the authority granted under subsection (4)(d) of Section 43-1-2, the Department of Human Services or the Executive Director of Human Services shall not be authorized to delegate, privatize or otherwise enter into a contract with a private entity for the operation of any office, bureau or division of the department, as defined in Section 7-17-11, without specific authority to do so by general act of the Legislature. However, nothing in this section shall be construed to invalidate (i) any contract of the department that is in place and operational before January 1, 1994; or (ii) the continued renewal of any such contract with the same entity upon the expiration of the contract; or (iii) the execution of a contract with another legal entity as a replacement of any such contract that is expiring, provided that the replacement contract is substantially the same as the expiring contract. Nothing in this section shall prohibit the Department of Human Services or the Executive Director of Human Services from entering into any contract with vendors or contractors intended to improve performance, reduce costs or increase efficiency, so long as the contract remains under the supervision or control of an office, bureau or division of the department, and provided that no county office of the department may be closed unless the Legislature specifically authorizes its closure in advance of the closure.

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This section shall stand repealed on July 1, 2015.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1015

Description: Driver's license reinstatement fees; increase and provide for the distribution of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 517

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (H) | Referred To Ways and Means |
| 2 | 02/05 | (H) | Title Suff Do Pass |
| 3 | 02/06 | (H) | Tabled Subject To Call |
| 4 | 02/13 | (H) | Amended |
| 5 | 02/13 | (H) | Passed As Amended {Vote} |
| 6 | 02/13 | (H) | Motion to Reconsider Entered (Hood, Smith
(39th), Rogers (61st)) |
| 7 | 02/15 | (H) | Reconsidered |
| 8 | 02/15 | (H) | Amended |
| 9 | 02/15 | (H) | Passed As Amended {Vote} |
| 10 | 02/20 | (H) | Transmitted To Senate |
| 11 | 02/27 | (S) | Referred To Accountability, Efficiency,
Transparency |
| 12 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 13 | 03/13 | (S) | Amended |
| 14 | 03/13 | (S) | Passed As Amended {Vote} |
| 15 | 03/14 | (S) | Returned For Concurrence |
| 16 | 03/18 | (H) | Decline to Concur/Invite Conf |
| 17 | 03/25 | (H) | Conferees Named Smith (39th), Rogers
(61st), Chism |
| 18 | 03/27 | (H) | Conferees Named Smith (39th), Rogers
(61st), Moak |
| 19 | 03/29 | (S) | Conferees Named Collins, Brown, Wilemon |
| 20 | 04/01 | (S) | Conference Report Filed |

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21	04/01	(H)	Conference Report Filed
22	04/02	(H)	Conference Report Adopted {Vote}
23	04/02	(S)	Conference Report Adopted {Vote}
24	04/08	(H)	Enrolled Bill Signed
25	04/08	(S)	Enrolled Bill Signed
26	04/23		Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 2 *Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1015

Conference Reports:

| Conference Report

Code Section: A 063-0001-0046, A 063-0001-0045

----- Additional Information -----

House Committee: Ways and Means

Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Smith (39th)

Title: AN ACT TO AMEND SECTION 63-1-46, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF THE FEES FOR THE REINSTATEMENT OF SUSPENDED OR REVOKED DRIVER'S LICENSES AND PROVIDE FOR THE DISTRIBUTION OF THE REINSTATEMENT FEES FOR VARIOUS PURPOSES; TO AMEND SECTION 63-1-45, MISSISSIPPI CODE OF 1972, TO CONFORM; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO FURNISH EITHER A PERMANENT DRIVER'S LICENSE KIOSK OR A DRIVER'S LICENSE EXAMINER IN EVERY COUNTY SEAT AT LEAST ONE DAY PER MONTH IF REQUESTED BY THE BOARD OF SUPERVISORS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1015

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representative Smith (39th)

House Bill 1015

(As Sent to Governor)

AN ACT TO AMEND SECTION 63-1-46, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF THE FEES FOR THE REINSTATEMENT OF SUSPENDED OR REVOKED DRIVER'S LICENSES AND PROVIDE FOR THE DISTRIBUTION OF THE REINSTATEMENT FEES FOR VARIOUS PURPOSES; TO AMEND SECTION 63-1-45, MISSISSIPPI CODE OF 1972, TO CONFORM; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO FURNISH EITHER A PERMANENT DRIVER'S LICENSE KIOSK OR A DRIVER'S LICENSE EXAMINER IN EVERY COUNTY SEAT AT LEAST ONE DAY PER MONTH IF REQUESTED BY THE BOARD OF SUPERVISORS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-1-46, Mississippi Code of 1972, is amended as follows:

63-1-46. (1) (a) Except as otherwise provided in this section, a fee of * * * One Hundred Dollars (\$100.00) shall be charged for the reinstatement of a license issued * * * under this article to every person whose license has been validly suspended, revoked or cancelled. * * *

(b) The funds received under the provisions of this subsection shall be distributed as follows:

(i) Twenty-five Dollars (\$25.00) shall be deposited into the State General Fund in accordance with Section 45-1-23;

(ii) Twenty-five Dollars (\$25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section 25-13-7;

(iii) Twenty-five Dollars (\$25.00) shall be deposited into the special fund created in Section 63-1-45(3) for purchases of equipment by the Mississippi Highway Safety Patrol; and

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(iv) Twenty-five Dollars (\$25.00) shall be deposited into the Ignition Interlock Device Fund created in Section 63-1-43 by House Bill No. 481, 2013 Regular Session.

* * *

(***) (a) A fee of One Hundred Seventy-five Dollars (\$175.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended or revoked under the provisions of the Mississippi Implied Consent Law or as a result of a conviction of a violation of the Uniform Controlled Substances Law under the provisions of Section 63-1-71.

(b) The funds received under the provisions of this subsection shall be distributed as follows:

(i) One Hundred Dollars (\$100.00) shall be deposited into the State General Fund in accordance with Section 45-1-23;

(ii) Twenty-five Dollars (\$25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section 25-13-7;

(iii) Twenty-five Dollars (\$25.00) shall be deposited into the special fund created in Section 63-1-45(3) for purchases of equipment by the Mississippi Highway Safety Patrol; and

(iv) Twenty-five Dollars (\$25.00) shall be deposited into the Ignition Interlock Device Fund created in Section 63-1-43 by House Bill No. 481, 2013 Regular Session.

(3) A fee of Twenty-five Dollars (\$25.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended for nonpayment of child support under the provisions of Sections 93-11-151 through 93-11-163. The funds received under the provisions of this subsection shall be deposited into the State General Fund in accordance with Section 45-1-23.

(***) (4) The procedure for the reinstatement of a license issued under this article that has been suspended for being out of compliance with an order for support, as defined in Section 93-11-153, and the payment of any fees for the reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.

(5) All reinstatement fees charged under this section shall be in addition to the fee provided for application for a driver's license in Section 63-1-43.

SECTION 2. Section 63-1-45, Mississippi Code of 1972, is amended as follows:

63-1-45. (1) License examiners shall keep a complete record of all funds received from applicants upon forms to be prescribed and furnished by the department out of the operating funds of the department. Application forms shall be printed in book form and serially numbered and in such form that the original thereof may be transmitted by the license examiner to the commissioner, together with the renewal fee. A copy signed by the examiner shall be given to the applicant, and a copy shall be retained by the examiner. The license examiner shall, not later than ten (10) days from the date of an application, transmit the application, together with the fee, to the commissioner. The application blanks and funds shall be subject to audit at any time. The commissioner shall maintain records of all application forms on hand and issued to the examiners, who shall be charged therewith. The receipt provided for in this section shall be the only valid and recognized form of receipt for fees paid by applicants, and the receipt shall be sufficient in lieu of the renewed license for a period of sixty (60) days or until the renewed license has been issued to the applicant by the commissioner.

(2) There shall be tendered with all applications for a temporary driving permit, temporary motorcycle driving permit, initial issuance of any license issued pursuant to this article, renewal licenses, duplicate licenses or any other services for which a fee is charged, the proper fee required by law by cash, certified check, money order or electronic payment as authorized under Section 27-104-33.

(3) The Commissioner of Public Safety shall deposit the amount of fees, together with all fees for duplicate licenses, permits, delinquent fees and reinstatement fees collected by him into the General Fund of the State Treasury, in accordance with the provisions of Section 45-1-23(2); however, Seven Dollars (\$7.00) of the fee derived from the fee charged for original and renewal operators' licenses imposed under Section 63-1-43(1) and Four Dollars (\$4.00) of the fee derived from the fee charged for original and renewal Class D commercial drivers' licenses under Section 63-1-

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43(4) shall be deposited into a special fund that is created in the State Treasury. Monies in the fund may be expended * * * upon legislative appropriation solely for the purchase by the Mississippi Highway Safety Patrol of patrol cars, communications equipment and weapons.

SECTION 3. The Department of Public Safety shall, upon request of the board of supervisors, furnish either a permanent driver's license kiosk or a license examiner at a location in each county seat for at least one (1) day every month to conduct licensing examinations, road tests and renewals. It is the option of the board of supervisors so requesting to choose either the permanent driver's license kiosk or a license examiner. The county shall furnish the office, heating and cooling, phone service and Internet connectivity at the location for the kiosk or license examiner.

SECTION 4. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1043

Description: Crimes; provide procedures for expunction of certain felonies of persons under 18 years of age at time of conviction.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 557

History of Actions:

- | | | |
|------------------------|-------|---------------------------------------|
| 1 | 01/21 | (H) Referred To Judiciary A |
| 2 | 02/05 | (H) Title Suff Do Pass |
| 3 | 02/13 | (H) Passed {Vote} |
| 4 | 02/14 | (H) Transmitted To Senate |
| 5 | 02/15 | (S) Referred To Judiciary, Division B |
| 6 | 03/05 | (S) Title Suff Do Pass |
| 7 | 03/12 | (S) Amended |
| 8 | 03/12 | (S) Passed As Amended {Vote} |
| 9 | 03/13 | (S) Returned For Concurrence |
| 10 | 03/15 | (H) Decline to Concur/Invite Conf |
| 11 | 03/25 | (H) Conferees Named Baker, Smith |
| (39th), Cockerham | | |
| 12 | 03/29 | (S) Conferees Named Bryan, Simmons |
| (12th), Jackson (32nd) | | |
| 13 | 04/01 | (S) Conference Report Filed |
| 14 | 04/01 | (H) Conference Report Filed |
| 15 | 04/02 | (H) Conference Report Adopted {Vote} |
| 16 | 04/03 | (S) Conference Report Adopted {Vote} |
| 17 | 04/09 | (S) Enrolled Bill Signed |
| 18 | 04/09 | (H) Enrolled Bill Signed |
| 19 | 04/25 | Approved by Governor |

Amendments:

[S] Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1043

Conference Reports:

| Conference Report

Code Section: A 099-0019-0071

----- **Additional Information** -----

House Committee: Judiciary A

Senate Committee: Judiciary, Division B

Principal Author: Smith (39th)

Title: AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO PROVIDE A PROCEDURE TO EXPUNGE CERTAIN FELONY CONVICTIONS FOR PERSONS WHO WERE UNDER THE AGE OF 18 AT THE TIME OF CONVICTION; TO LIMIT EXPUNCTIONS FOR PUBLIC OFFICIALS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1043

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary A

By: Representative Smith (39th)

House Bill 1043

(As Sent to Governor)

AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO PROVIDE A PROCEDURE TO EXPUNGE CERTAIN FELONY CONVICTIONS FOR PERSONS WHO WERE UNDER THE AGE OF 18 AT THE TIME OF CONVICTION; TO LIMIT EXPUNCTIONS FOR PUBLIC OFFICIALS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 99-19-71, Mississippi Code of 1972, is amended as follows:

99-19-71. (1) Any person who has been convicted of a misdemeanor, excluding a conviction for a traffic violation, and who is a first offender, may petition the justice, county, circuit or municipal court in which the conviction was had for an order to expunge any such conviction from all public records.

(2) (a) Any person who has been convicted of one (1) of the following felonies may petition the court in which the conviction was had for an order to expunge one (1) conviction from all public records five (5) years after the successful completion of all terms and conditions of the sentence for the conviction: a bad check offense under Section 97-19-55; possession of a controlled substance or paraphernalia under Section 41-29-139(c) or (d); false pretense under Section 97-19-39; larceny under Section 97-17-41; malicious mischief under Section 97-17-67; or shoplifting under Section 97-23-93. A person is eligible for only one (1) felony expunction under this * * * paragraph.

(b) Any person who was under the age of eighteen (18) years when he committed a felony may petition the court in which the conviction was had for an order to expunge one (1) conviction from all public records five (5) years after the successful completion of all terms and conditions of the sentence for the conviction; however, eligibility for expunction shall not apply to the following felonies: rape

under Sections 97-3-65 and 97-3-71; sexual battery under Section 97-3-95; murder under Section 97-3-21; manslaughter under Section 97-3-25; carjacking under Sections 97-3-113 through 97-3-117; burglary of a commercial establishment or occupied dwelling; cyberstalking under Section 97-45-15; exploitation of children by the use of computers or other means under Sections 97-5-31 through 97-5-37; armed robbery under Section 97-3-79; and any felony that, in the determination of the circuit court, is a violent crime or a felony that is related to the distribution of a controlled substance and in the court's discretion it should not be expunged. A person is eligible for only one (1) felony expunction under this paragraph.

(* * *c) The petitioner shall give ten (10) days' written notice to the district attorney before any hearing on the petition. In all cases, the court wherein the petition is filed may grant the petition if the court determines, on the record or in writing, that the applicant is rehabilitated from the offense which is the subject of the petition. In those cases where the court denies the petition, the findings of the court in this respect shall be identified specifically and not generally.

(3) Upon entering an order of expunction under this section, a nonpublic record thereof shall be retained by the Mississippi Criminal Information Center solely for the purpose of determining whether, in subsequent proceedings, the person is a first offender. The order of expunction shall not preclude a district attorney's office from retaining a nonpublic record thereof for law enforcement purposes only. The existence of an order of expunction shall not preclude an employer from asking a prospective employee if the employee has had an order of expunction entered on his behalf. The effect of the expunction order shall be to restore the person, in the contemplation of the law, to the status he occupied before any arrest or indictment for which convicted. No person as to whom an expunction order has been entered shall be held thereafter under any provision of law to be guilty of perjury or to have otherwise given a false statement by reason of his failure to recite or acknowledge such arrest, indictment or conviction in response to any inquiry made of him for any purpose other than the purpose of determining, in any subsequent proceedings under this section, whether the person is a first offender. A person as to whom an order has

been entered, upon request, shall be required to advise the court, in camera, of the previous conviction and expunction in any legal proceeding wherein the person has been called as a prospective juror. The court shall thereafter and before the selection of the jury advise the attorneys representing the parties of the previous conviction and expunction.

(4) Upon petition therefor, a justice, county, circuit or municipal court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case.

(5) No public official is eligible for expunction under this section for any conviction related to his official duties.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1049

Description: Bonds; remove the authorization for the issuance of certain state general obligation bonds.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: Passage

Chapter Number: 567

History of Actions:

- 1 01/21 (H) Referred To Ways and Means
- 2 02/04 (H) Title Suff Do Pass Comm Sub
- 3 02/07 (H) Committee Substitute Adopted
- 4 02/07 (H) Amended
- 5 02/07 (H) Passed As Amended {Vote}
- 6 02/12 (H) Transmitted To Senate
- 7 02/12 (S) Referred To Finance
- 8 03/05 (S) Title Suff Do Pass As Amended
- 9 03/07 (S) Amended
- 10 03/07 (S) Passed As Amended {Vote}
- 11 03/08 (S) Returned For Concurrence
- 12 03/12 (H) Decline to Concur/Invite Conf
- 13 03/25 (H) Conferees Named Smith
- (39th), Baker, Stringer
- 14 03/27 (S) Conferees Named Fillingane, Brown, Kirby
- 15 03/30 (S) Conference Report Filed
- 16 03/30 (H) Conference Report Filed
- 17 03/31 (S) Conference Report Adopted {Vote}
- 18 04/01 (H) Conference Report Adopted {Vote}
- 19 04/11 (H) Enrolled Bill Signed
- 20 04/11 (S) Enrolled Bill Signed
- 21 04/25 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)*Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1049

Conference Reports:

| Conference Report

Code Section: A 057-0075-0015, A 059-0005-0041, A 059-0005-0051

----- Additional Information -----

House Committee: Ways and Means

Senate Committee: Finance

Principal Author: Smith (39th)

Title: AN ACT TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PROVIDING OF ASSISTANCE RELATED TO CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 6, CHAPTER 580, LAWS OF 2007, AS AMENDED BY SECTION 12, CHAPTER 431, LAWS OF 2011, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PURPOSE OF PROVIDING FUNDS FOR CONSTRUCTING INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED IN TATE, JASPER AND JONES COUNTIES AND A CRISIS INTERVENTION MENTAL HEALTH FACILITY IN MARSHALL COUNTY, MISSISSIPPI; TO AMEND SECTION 7, CHAPTER 580, LAWS OF 2007, AS AMENDED BY SECTION 13, CHAPTER 431, LAWS OF 2011, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PURPOSE OF PROVIDING FUNDS FOR CONSTRUCTING A CRISIS INTERVENTION MENTAL HEALTH FACILITY IN JACKSON COUNTY, MISSISSIPPI; TO AMEND SECTION 42, CHAPTER 533, LAWS OF 2010, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PURPOSE OF PROVIDING FUNDS TO ASSIST IN PAYING THE COSTS ASSOCIATED WITH ESTABLISHING A PARK AND RELATED FACILITIES ADJACENT TO THE CENTRAL OFFICE OF THE HATTIESBURG PUBLIC SCHOOL SYSTEM IN HATTIESBURG, MISSISSIPPI; TO AMEND SECTION 28, CHAPTER 480, LAWS OF 2011, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PURPOSE OF PROVIDING FUNDS TO ASSIST THE CITY OF HATTIESBURG, MISSISSIPPI, FOR THE REPAIR AND RENOVATION OF THE OLD EUREKA HIGH SCHOOL IN HATTIESBURG, MISSISSIPPI; TO AMEND SECTION 1, CHAPTER 348, LAWS OF 2009, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PURPOSE OF MAKING LOANS TO HINDS COUNTY, MISSISSIPPI, FOR INFRASTRUCTURE IMPROVEMENTS AND

CONSTRUCTION RELATED TO THE OLD CAPITOL GREEN PROJECT; TO AMEND SECTIONS 59-5-41 AND 59-5-51, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED FOR THE PURPOSE OF PROVIDING FUNDS FOR CERTAIN PORT PROJECTS; TO AMEND SECTION 29, CHAPTER 480, LAWS OF 2011, TO AUTHORIZE THE PROCEEDS OF BONDS DEPOSITED INTO THE 2011 OLD HATTIESBURG HIGH SCHOOL IMPROVEMENT FUND TO BE UTILIZED FOR CERTAIN ADDITIONAL PURPOSES; TO AMEND SECTION 40, CHAPTER 557, LAWS OF 2009, TO EXTEND UNTIL JULY 1, 2016, THE DATE WHICH BONDS AUTHORIZED UNDER THE ENERGY INFRASTRUCTURE REVOLVING LOAN PROGRAM MAY BE ISSUED; TO AMEND SECTION 1, CHAPTER 480, LAWS OF 2011, TO REMOVE THE AUTHORITY TO ISSUE STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$3,000,000.00 FOR THE EQUIPPING OF A NEW HEADQUARTERS BUILDING FOR THE DEPARTMENT OF REVENUE TO BE LOCATED IN THE CITY OF JACKSON, MISSISSIPPI, AT A SITE SELECTED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO MAKE LOANS TO HINDS COUNTY, MISSISSIPPI, TO ASSIST IN THE CONSTRUCTION OF A HOTEL IN THE COUNTY WITH AT LEAST 200 GUEST ROOMS; TO GIVE THE MISSISSIPPI DEVELOPMENT AUTHORITY CERTAIN POWERS AND DUTIES REGARDING ANY SUCH LOAN; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$20,000,000.00 TO PROVIDE FUNDS TO MAKE THE LOANS AUTHORIZED BY THIS ACT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1049

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representative Smith (39th)

House Bill 1049

(As Sent to Governor)

AN ACT TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PROVIDING OF ASSISTANCE RELATED TO CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 6, CHAPTER 580, LAWS OF 2007, AS AMENDED BY SECTION 12, CHAPTER 431, LAWS OF 2011, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PURPOSE OF PROVIDING FUNDS FOR CONSTRUCTING INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED IN TATE, JASPER AND JONES COUNTIES AND A CRISIS INTERVENTION MENTAL HEALTH FACILITY IN MARSHALL COUNTY, MISSISSIPPI; TO AMEND SECTION 7, CHAPTER 580, LAWS OF 2007, AS AMENDED BY SECTION 13, CHAPTER 431, LAWS OF 2011, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PURPOSE OF PROVIDING FUNDS FOR CONSTRUCTING A CRISIS INTERVENTION MENTAL HEALTH FACILITY IN JACKSON COUNTY, MISSISSIPPI; TO AMEND SECTION 42, CHAPTER 533, LAWS OF 2010, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PURPOSE OF PROVIDING FUNDS TO ASSIST IN PAYING THE COSTS ASSOCIATED WITH ESTABLISHING A PARK AND RELATED FACILITIES ADJACENT TO THE CENTRAL OFFICE OF THE HATTIESBURG PUBLIC SCHOOL SYSTEM IN HATTIESBURG, MISSISSIPPI; TO AMEND SECTION 28, CHAPTER 480, LAWS OF 2011, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PURPOSE OF PROVIDING FUNDS TO ASSIST THE CITY OF HATTIESBURG, MISSISSIPPI, FOR THE REPAIR AND RENOVATION OF THE OLD EUREKA HIGH SCHOOL IN HATTIESBURG, MISSISSIPPI; TO AMEND SECTION 1, CHAPTER 348, LAWS OF 2009, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED PURSUANT TO THIS SECTION FOR THE PURPOSE OF MAKING LOANS TO HINDS COUNTY, MISSISSIPPI,

2013 GENERAL LAWS OF MISSISSIPPI HB 1049

FOR INFRASTRUCTURE IMPROVEMENTS AND CONSTRUCTION RELATED TO THE OLD CAPITOL GREEN PROJECT; TO AMEND SECTIONS 59-5-41 AND 59-5-51, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AFTER THE EFFECTIVE DATE OF THIS ACT NO STATE GENERAL OBLIGATION BONDS SHALL BE ISSUED FOR THE PURPOSE OF PROVIDING FUNDS FOR CERTAIN PORT PROJECTS; TO AMEND SECTION 29, CHAPTER 480, LAWS OF 2011, TO AUTHORIZE THE PROCEEDS OF BONDS DEPOSITED INTO THE 2011 OLD HATTIESBURG HIGH SCHOOL IMPROVEMENT FUND TO BE UTILIZED FOR CERTAIN ADDITIONAL PURPOSES; TO AMEND SECTION 40, CHAPTER 557, LAWS OF 2009, TO EXTEND UNTIL JULY 1, 2016, THE DATE WHICH BONDS AUTHORIZED UNDER THE ENERGY INFRASTRUCTURE REVOLVING LOAN PROGRAM MAY BE ISSUED; TO AMEND SECTION 1, CHAPTER 480, LAWS OF 2011, TO REMOVE THE AUTHORITY TO ISSUE STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$3,000,000.00 FOR THE EQUIPPING OF A NEW HEADQUARTERS BUILDING FOR THE DEPARTMENT OF REVENUE TO BE LOCATED IN THE CITY OF JACKSON, MISSISSIPPI, AT A SITE SELECTED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO MAKE LOANS TO HINDS COUNTY, MISSISSIPPI, TO ASSIST IN THE CONSTRUCTION OF A HOTEL IN THE COUNTY WITH AT LEAST 200 GUEST ROOMS; TO GIVE THE MISSISSIPPI DEVELOPMENT AUTHORITY CERTAIN POWERS AND DUTIES REGARDING ANY SUCH LOAN; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$20,000,000.00 TO PROVIDE FUNDS TO MAKE THE LOANS AUTHORIZED BY THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-75-15, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2014, this section shall read as follows:]

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter from time to time declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements with the United States government, private companies and

others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.

(2) Upon receipt of any such declaration from the authority, the State Bond Commission shall verify that the state has been selected as the site of the project and shall act as the issuing agent for the series of bonds directed to be issued in such declaration pursuant to authority granted in this section.

(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed an aggregate principal amount in the sum of Sixty-seven Million Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed Sixty-one Million Dollars (\$61,000,000.00). The authority, with the express direction of the State Bond Commission, is authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section 57-75-5(f)(ii), as it may be amended from time to time. If there are any monetary proceeds derived from the disposition of any improvements located on real property in Kemper County purchased pursuant to this act for projects related to the NAAS and if there are any monetary proceeds derived from the disposition of any timber located on real property in Kemper County purchased pursuant to this act for projects related to the NAAS, all of such proceeds (both from the disposition of improvements and the disposition of timber) commencing July 1, 1996, through June 30, 2010, shall be paid to the Board of Education of Kemper County, Mississippi, for expenditure by such board of education to benefit the public schools of Kemper County. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation or will support

critical studies or investigations authorized by Section 57-75-5(f)(ii).

(c) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(iii) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after December 31, 1996.

(d) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(iv) shall not exceed Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An additional amount of bonds in an amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) may be issued under the authority of this section for the purpose of defraying costs associated with the construction of surface water transmission lines for a project defined in Section 57-75-5(f)(iv) or for any facility related to the project. No bonds shall be issued under this paragraph after June 30, 2005.

(e) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(v) and for facilities related to such projects shall not exceed Thirty-eight Million Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(f) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(vii) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2006.

(g) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(viii) shall not exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No bonds shall be issued under this paragraph after June 30, 2008.

(h) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(ix) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2007.

(i) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(x) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(j) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xii) shall not exceed Thirty-three Million Dollars (\$33,000,000.00). The amount of bonds that may be issued under this paragraph for projects defined in Section 57-75-5(f)(xii) may be reduced by the amount of any federal or local funds made available for such projects. No bonds shall be issued under this paragraph until local governments in or near the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Five Hundred Thousand Dollars (\$2,500,000.00) in the aggregate; however, this irrevocable commitment requirement may be waived by the authority upon a finding that due to the unforeseen circumstances created by Hurricane Katrina, the local governments are unable to comply with such commitment. No bonds shall be issued under this paragraph after June 30, 2008.

(k) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiii) shall not exceed Three Million Dollars (\$3,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(l) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiv) shall not exceed Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be issued under this paragraph until local governments in the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Dollars (\$2,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(m) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xv) shall not exceed Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(n) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvi) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(o) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvii) shall not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No bonds shall be issued under this paragraph after June 30, 2010.

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(p) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xviii) shall not exceed Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(q) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xix) shall not exceed Fifteen Million Dollars (\$15,000,000.00). No bonds shall be issued under this paragraph after June 30, 2012.

(r) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xx) shall not exceed Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be issued under this paragraph after * * * the effective date of House Bill No. 1049, 2013 Regular Session.

(s) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxi) shall not exceed Two Hundred Ninety-three Million Nine Hundred Thousand Dollars (\$293,900,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(t) Bonds issued under the authority of this section for Tier One suppliers shall not exceed Thirty Million Dollars (\$30,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(u) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxii) shall not exceed Forty-eight Million Four Hundred Thousand Dollars (\$48,400,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(v) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiii) shall not exceed Eighty-eight Million Two Hundred Fifty Thousand Dollars (\$88,250,000.00). No bonds shall be issued under this paragraph after July 1, 2009.

(w) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiv) shall not exceed Thirteen Million Dollars (\$13,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(x) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxv) shall not exceed Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be issued under this paragraph after July 1, 2017.

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(y) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvi) shall not exceed Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00). No bonds shall be issued under this paragraph after July 1, 2021.

(z) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvii) shall not exceed Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued under this paragraph after * * * the effective date of House Bill No. 1049, 2013 Regular Session.

(4) (a) The proceeds from the sale of the bonds issued under this section may be applied for the following purposes:

(i) Defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement, relocation and with respect to state-owned property, operation and maintenance of the project and any facility related to the project located within the project area, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of environmental impacts and environmental impact studies;

(ii) Defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity;

(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(iv) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(iv)1;

(v) Paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f)(iv)1;

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(vi) Defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(vii) Providing for the payment of interest on the bonds;

(viii) Providing debt service reserves;

(ix) Paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds;

(x) For purposes authorized in paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this subsection (4);

(xi) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(v), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xii) Providing grant funds or loans to a public agency or an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(ii);

(xiii) Providing grant funds or loans to an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(xiv);

(xiv) Providing grants, loans and payments to or for the benefit of an enterprise owning or operating a project defined in Section 57-75-5(f)(xviii);

(xv) Purchasing equipment for a project defined in Section 57-75-5(f)(viii) subject to such terms and conditions as the authority considers necessary and appropriate;

(xvi) Providing grant funds to an enterprise developing or owning a project defined in Section 57-75-5(f)(xx);

(xvii) Providing grants for projects as authorized in Section 57-75-11(kk), (ll) and (mm), or, in connection with

a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xviii) Providing grants for projects as authorized in Section 57-75-11(pp) for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xix) Providing grants and loans for projects as authorized in Section 57-75-11(qq);

(xx) Providing grants for projects as authorized in Section 57-75-11(rr);

(xxi) Providing grants, loans and payments as authorized in Section 57-75-11(ss); and

(xxii) Providing grants and loans as authorized in Section 57-75-11(tt).

Such bonds shall be issued from time to time and in such principal amounts as shall be designated by the authority, not to exceed in aggregate principal amounts the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

(b) (i) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (b)(i) shall not exceed Three Hundred Thousand Dollars (\$300,000.00) in the aggregate. Reimbursements under this paragraph (b)(i) shall satisfy any applicable federal tax law requirements.

(ii) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual

and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (b)(ii) shall not exceed One Hundred Thousand Dollars (\$100,000.00) in the aggregate. Reimbursements under this paragraph (b)(ii) shall satisfy any applicable federal tax law requirements.

(c) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(d) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(x) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance

related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(x) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(e) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (e)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and

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Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (e)(ii) shall satisfy any applicable federal tax law requirements.

(f) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xiii), (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (f)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xiii), (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project. Reimbursements under this paragraph (f)(ii) shall satisfy any applicable federal tax law requirements.

(g) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this

paragraph (g) (i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (g) (ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (g) (ii) shall satisfy any applicable federal tax law requirements.

(h) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (h) (i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (h) (ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in

the aggregate. Reimbursements under this paragraph (h)(ii) shall satisfy any applicable federal tax law requirements.

(i) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (i)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (i)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (i)(ii) shall satisfy any applicable federal tax law requirements.

(j) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (j)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred

by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (j)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (j)(ii) shall satisfy any applicable federal tax law requirements.

(k) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (k)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (k)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (k)(ii) shall satisfy any applicable federal tax law requirements.

(l) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing

assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (l)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (l)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (l)(ii) shall satisfy any applicable federal tax law requirements.

(m) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (m)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance

with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (m)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (m)(ii) shall satisfy any applicable federal tax law requirements.

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration privileges; and be substantially in such form; all as shall be determined by resolution of the State Bond Commission except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from the date thereof and extending not more than twenty-five (25) years from the date thereof. The bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be imprinted on or affixed thereto, attested by the manual or facsimile signature of the Secretary of the State Bond Commission. Whenever any such bonds have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

(6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The State Bond Commission shall act as issuing agent for the bonds, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids, or negotiate the sale of the bonds, issue and sell the bonds, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. The bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of this section, may provide that the bonds, at the option of the state, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state. The Legislature shall appropriate annually an amount sufficient to pay the principal of and the interest on such bonds as they become due. All bonds shall contain recitals on their faces substantially covering the foregoing provisions of this section.

(9) The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants payable out of any funds appropriated by the Legislature under this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued under the provisions of this section. The State Treasurer shall forward the necessary amount to the designated place

or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(10) The bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the issuance of general obligation bonds under the provisions of this section shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

(11) In anticipation of the issuance of bonds hereunder, the State Bond Commission is authorized to negotiate and enter into any purchase, loan, credit or other agreement with any bank, trust company or other lending institution or to issue and sell interim notes for the purpose of making any payments authorized under this section. All borrowings made under this provision shall be evidenced by notes of the state which shall be issued from time to time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes. No note shall mature more than three (3) years following the date of its issuance. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other costs and expenses of issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

(12) The bonds and interim notes authorized under the authority of this section may be validated in the First Judicial District of the Chancery Court of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The necessary papers for such validation

proceedings shall be transmitted to the State Bond Attorney, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

(13) Any bonds or interim notes issued under the provisions of this chapter, a transaction relating to the sale or securing of such bonds or interim notes, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

(14) All bonds issued under this chapter shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of the state and all municipalities and other political subdivisions thereof for the purpose of securing the deposit of public funds.

(15) The Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for, and the Bond Commission is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

(16) There is hereby created a special fund in the State Treasury to be known as the Mississippi Major Economic Impact Authority Fund wherein shall be deposited the proceeds of the bonds issued under this chapter and all monies received by the authority to carry out the purposes of this chapter. Expenditures authorized herein shall be paid by the State Treasurer upon warrants drawn from the fund, and the Department of Finance and Administration shall issue warrants upon requisitions signed by the director of the authority.

(17) (a) There is hereby created the Mississippi Economic Impact Authority Sinking Fund from which the principal of and interest on such bonds shall be paid by appropriation. All monies paid into the sinking fund not appropriated to pay accruing bonds and interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the state.

(b) In the event that all or any part of the bonds and notes are purchased, they shall be cancelled and returned to the loan and transfer agent as cancelled and paid bonds and notes and thereafter all payments of interest thereon shall cease and the cancelled bonds, notes and coupons, together with any other cancelled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the cancelled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the sinking fund for the payment of the principal of and interest on the bonds and notes.

(d) Any monies repaid to the state from loans authorized in Section 57-75-11(hh) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund unless the State Bond Commission, at the request of the authority, shall determine that such loan repayments are needed to provide additional loans as authorized under Section 57-75-11(hh). For purposes of providing additional loans, there is hereby created the Mississippi Major Economic Impact Authority Revolving Loan Fund and loan repayments shall be deposited into the fund. The fund shall be maintained for such period as determined by the State Bond Commission for the sole purpose of making additional loans as authorized by Section 57-75-11(hh). Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned on amounts in such fund shall be deposited to the credit of the fund.

(e) Any monies repaid to the state from loans authorized in Section 57-75-11(ii) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

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(f) Any monies repaid to the state from loans authorized in Section 57-75-11(jj) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(18) (a) Upon receipt of a declaration by the authority that it has determined that the state is a potential site for a project, the State Bond Commission is authorized and directed to authorize the State Treasurer to borrow money from any special fund in the State Treasury not otherwise appropriated to be utilized by the authority for the purposes provided for in this subsection.

(b) The proceeds of the money borrowed under this subsection may be utilized by the authority for the purpose of defraying all or a portion of the costs incurred by the authority with respect to acquisition options and planning, design and environmental impact studies with respect to a project defined in Section 57-75-5(f)(xi). The authority may escalate its budget and expend the proceeds of the money borrowed under this subsection in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

(c) The authority shall request an appropriation or additional authority to issue general obligation bonds to repay the borrowed funds and establish a date for the repayment of the funds so borrowed.

(d) Borrowings made under the provisions of this subsection shall not exceed Five Hundred Thousand Dollars (\$500,000.00) at any one time.

[From and after July 1, 2014, this section shall read as follows:]

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter from time to time declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements

with the United States government, private companies and others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.

(2) Upon receipt of any such declaration from the authority, the State Bond Commission shall verify that the state has been selected as the site of the project and shall act as the issuing agent for the series of bonds directed to be issued in such declaration pursuant to authority granted in this section.

(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed an aggregate principal amount in the sum of Sixty-seven Million Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed Sixty-one Million Dollars (\$61,000,000.00). The authority, with the express direction of the State Bond Commission, is authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section 57-75-5(f)(ii), as it may be amended from time to time. If there are any monetary proceeds derived from the disposition of any improvements located on real property in Kemper County purchased pursuant to this act for projects related to the NAAS and if there are any monetary proceeds derived from the disposition of any timber located on real property in Kemper County purchased pursuant to this act for projects related to the NAAS, all of such proceeds (both from the disposition of improvements and the disposition of timber) commencing July 1, 1996, through June 30, 2010, shall be paid to the Board of Education of Kemper County, Mississippi, for expenditure by such board of education to benefit the public schools of Kemper County. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation or will support

critical studies or investigations authorized by Section 57-75-5(f)(ii).

(c) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(iii) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after December 31, 1996.

(d) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(iv) shall not exceed Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An additional amount of bonds in an amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) may be issued under the authority of this section for the purpose of defraying costs associated with the construction of surface water transmission lines for a project defined in Section 57-75-5(f)(iv) or for any facility related to the project. No bonds shall be issued under this paragraph after June 30, 2005.

(e) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(v) and for facilities related to such projects shall not exceed Thirty-eight Million Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(f) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(vii) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2006.

(g) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(viii) shall not exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No bonds shall be issued under this paragraph after June 30, 2008.

(h) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(ix) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2007.

(i) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(x) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

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(j) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xii) shall not exceed Thirty-three Million Dollars (\$33,000,000.00). The amount of bonds that may be issued under this paragraph for projects defined in Section 57-75-5(f)(xii) may be reduced by the amount of any federal or local funds made available for such projects. No bonds shall be issued under this paragraph until local governments in or near the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Five Hundred Thousand Dollars (\$2,500,000.00) in the aggregate; however, this irrevocable commitment requirement may be waived by the authority upon a finding that due to the unforeseen circumstances created by Hurricane Katrina, the local governments are unable to comply with such commitment. No bonds shall be issued under this paragraph after June 30, 2008.

(k) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiii) shall not exceed Three Million Dollars (\$3,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(l) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiv) shall not exceed Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be issued under this paragraph until local governments in the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Dollars (\$2,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(m) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xv) shall not exceed Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(n) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvi) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(o) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvii) shall not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No bonds shall be issued under this paragraph after June 30, 2010.

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(p) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xviii) shall not exceed Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be issued under this paragraph after June 30, 2016.

(q) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xix) shall not exceed Fifteen Million Dollars (\$15,000,000.00). No bonds shall be issued under this paragraph after June 30, 2012.

(r) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xx) shall not exceed Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be issued under this paragraph after * * * the effective date of House Bill No. 1049, 2013 Regular Session.

(s) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxi) shall not exceed Two Hundred Ninety-three Million Nine Hundred Thousand Dollars (\$293,900,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(t) Bonds issued under the authority of this section for Tier One suppliers shall not exceed Thirty Million Dollars (\$30,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(u) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxii) shall not exceed Forty-eight Million Four Hundred Thousand Dollars (\$48,400,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(v) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiii) shall not exceed Eighty-eight Million Two Hundred Fifty Thousand Dollars (\$88,250,000.00). No bonds shall be issued under this paragraph after July 1, 2009.

(w) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiv) shall not exceed Thirteen Million Dollars (\$13,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(x) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxv) shall not exceed Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be issued under this paragraph after July 1, 2017.

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(y) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvi) shall not exceed Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00). No bonds shall be issued under this paragraph after July 1, 2021.

(z) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvii) shall not exceed Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued under this paragraph after * * * the effective date of House Bill No. 1049, 2013 Regular Session.

(4) (a) The proceeds from the sale of the bonds issued under this section may be applied for the following purposes:

(i) Defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement, relocation and with respect to state-owned property, operation and maintenance of the project and any facility related to the project located within the project area, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of environmental impacts and environmental impact studies;

(ii) Defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity;

(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(iv) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(iv)1;

(v) Paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f)(iv)1;

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(vi) Defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(vii) Providing for the payment of interest on the bonds;

(viii) Providing debt service reserves;

(ix) Paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds;

(x) For purposes authorized in paragraphs (b), (c), (d), (e) and (f) of this subsection (4);

(xi) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(v), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xii) Providing grant funds or loans to a public agency or an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(ii);

(xiii) Providing grant funds or loans to an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(xiv);

(xiv) Providing grants, loans and payments to or for the benefit of an enterprise owning or operating a project defined in Section 57-75-5(f)(xviii);

(xv) Purchasing equipment for a project defined in Section 57-75-5(f)(viii) subject to such terms and conditions as the authority considers necessary and appropriate;

(xvi) Providing grant funds to an enterprise developing or owning a project defined in Section 57-75-5(f)(xx);

(xvii) Providing grants for projects as authorized in Section 57-75-11(kk), (ll) and (mm), or, in connection with a facility related to such a project, for any purposes deemed

by the authority in its sole discretion to be necessary and appropriate;

(xviii) Providing grants for projects as authorized in Section 57-75-11(pp) for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xix) Providing grants and loans for projects as authorized in Section 57-75-11(qq);

(xx) Providing grants for projects as authorized in Section 57-75-11(rr);

(xxi) Providing grants, loans and payments as authorized in Section 57-75-11(ss); and

(xxii) Providing loans as authorized in Section 57-75-11(tt).

Such bonds shall be issued from time to time and in such principal amounts as shall be designated by the authority, not to exceed in aggregate principal amounts the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

(b) (i) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (b)(i) shall not exceed Three Hundred Thousand Dollars (\$300,000.00) in the aggregate. Reimbursements under this paragraph (b)(i) shall satisfy any applicable federal tax law requirements.

(ii) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in

providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought.- The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (b)(ii) shall not exceed One Hundred Thousand Dollars (\$100,000.00) in the aggregate. Reimbursements under this paragraph (b)(ii) shall satisfy any applicable federal tax law requirements.

(c) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(d) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(x) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided for the

use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(x) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(e) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (e)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of

federal funds. Reimbursements under this paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (e)(ii) shall satisfy any applicable federal tax law requirements.

(f) (i) -The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xiii), (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (f)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xiii), (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project. Reimbursements under this paragraph (f)(ii) shall satisfy any applicable federal tax law requirements.

(g) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this

paragraph (g) (i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (g) (ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (g) (ii) shall satisfy any applicable federal tax law requirements.

(h) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (h) (i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (h) (ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in

the aggregate. Reimbursements under this paragraph (h)(ii) shall satisfy any applicable federal tax law requirements.

(i) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (i)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (i)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (i)(ii) shall satisfy any applicable federal tax law requirements.

(j) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (j)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred

by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (j)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (j)(ii) shall satisfy any applicable federal tax law requirements.

(k) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (k)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (k)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (k)(ii) shall satisfy any applicable federal tax law requirements.

(l) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing

assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (l)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (l)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (l)(ii) shall satisfy any applicable federal tax law requirements.

(m) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (m)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance

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with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (m)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (m)(ii) shall satisfy any applicable federal tax law requirements.

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration privileges; and be substantially in such form; all as shall be determined by resolution of the State Bond Commission except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from the date thereof and extending not more than twenty-five (25) years from the date thereof. The bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be imprinted on or affixed thereto, attested by the manual or facsimile signature of the Secretary of the State Bond Commission. Whenever any such bonds have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

(6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The State Bond Commission shall act as issuing agent for the bonds, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds on sealed bids at public sale, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may sell such bonds on sealed bids at public sale for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale shall be made at a price less than par plus accrued interest to date of delivery of the bonds to the purchaser. The bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually; provided that the first interest payment may be for any period of not more than one (1) year.

Notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of this section, may provide that the bonds, at the option of the state, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state. The Legislature shall appropriate annually an amount sufficient to pay the principal of and the interest on such bonds as they become due. All bonds shall contain recitals on their faces substantially covering the foregoing provisions of this section.

(9) The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants payable out of any funds appropriated by the Legislature under this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued under the provisions of this section. The State Treasurer

shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(10) The bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the issuance of general obligation bonds under the provisions of this section shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

(11) In anticipation of the issuance of bonds hereunder, the State Bond Commission is authorized to negotiate and enter into any purchase, loan, credit or other agreement with any bank, trust company or other lending institution or to issue and sell interim notes for the purpose of making any payments authorized under this section. All borrowings made under this provision shall be evidenced by notes of the state which shall be issued from time to time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes. No note shall mature more than three (3) years following the date of its issuance. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other costs and expenses of issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

(12) The bonds and interim notes authorized under the authority of this section may be validated in the First Judicial District of the Chancery Court of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district

and other bonds. The necessary papers for such validation proceedings shall be transmitted to the State Bond Attorney, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

(13) Any bonds or interim notes issued under the provisions of this chapter, a transaction relating to the sale or securing of such bonds or interim notes, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

(14) All bonds issued under this chapter shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of the state and all municipalities and other political subdivisions thereof for the purpose of securing the deposit of public funds.

(15) The Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for, and the Bond Commission is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

(16) There is hereby created a special fund in the State Treasury to be known as the Mississippi Major Economic Impact Authority Fund wherein shall be deposited the proceeds of the bonds issued under this chapter and all monies received by the authority to carry out the purposes of this chapter. Expenditures authorized herein shall be paid by the State Treasurer upon warrants drawn from the fund, and the Department of Finance and Administration shall issue warrants upon requisitions signed by the director of the authority.

(17) (a) There is hereby created the Mississippi Economic Impact Authority Sinking Fund from which the principal of and interest on such bonds shall be paid by appropriation. All monies paid into the sinking fund not appropriated to pay accruing bonds and interest shall be invested by the State

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Treasurer in such securities as are provided by law for the investment of the sinking funds of the state.

(b) In the event that all or any part of the bonds and notes are purchased, they shall be cancelled and returned to the loan and transfer agent as cancelled and paid bonds and notes and thereafter all payments of interest thereon shall cease and the cancelled bonds, notes and coupons, together with any other cancelled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the cancelled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the sinking fund for the payment of the principal of and interest on the bonds and notes.

(d) Any monies repaid to the state from loans authorized in Section 57-75-11(hh) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund unless the State Bond Commission, at the request of the authority, shall determine that such loan repayments are needed to provide additional loans as authorized under Section 57-75-11(hh). For purposes of providing additional loans, there is hereby created the Mississippi Major Economic Impact Authority Revolving Loan Fund and loan repayments shall be deposited into the fund. The fund shall be maintained for such period as determined by the State Bond Commission for the sole purpose of making additional loans as authorized by Section 57-75-11(hh). Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned on amounts in such fund shall be deposited to the credit of the fund.

(e) Any monies repaid to the state from loans authorized in Section 57-75-11(ii) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(f) Any monies repaid to the state from loans authorized in Section 57-75-11(jj) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(18) (a) Upon receipt of a declaration by the authority that it has determined that the state is a potential site for a project, the State Bond Commission is authorized and directed to authorize the State Treasurer to borrow money from any special fund in the State Treasury not otherwise appropriated to be utilized by the authority for the purposes provided for in this subsection.

(b) The proceeds of the money borrowed under this subsection may be utilized by the authority for the purpose of defraying all or a portion of the costs incurred by the authority with respect to acquisition options and planning, design and environmental impact studies with respect to a project defined in Section 57-75-5(f)(xi). The authority may escalate its budget and expend the proceeds of the money borrowed under this subsection in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

(c) The authority shall request an appropriation or additional authority to issue general obligation bonds to repay the borrowed funds and establish a date for the repayment of the funds so borrowed.

(d) Borrowings made under the provisions of this subsection shall not exceed Five Hundred Thousand Dollars (\$500,000.00) at any one time.

SECTION 2. Section 6, Chapter 580, Laws of 2007, as amended by Section 12, Chapter 431, Laws of 2011, is amended as follows:

Section 6. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the

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rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated the "2007 Community Group Home and Crisis Intervention Center Construction Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under this section.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, as follows:

1. To pay the cost of constructing, furnishing and equipping three (3) intermediate care facilities for the mentally retarded (community group homes) for the Department of Mental Health to be located in Tate County,

Jasper County and Jones County..... \$2,100,000.00.

2. To pay the cost of constructing, furnishing and equipping a crisis intervention mental health facility in Marshall County..... \$2,000,000.00.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the project described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive

and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(d) The Department of Finance and Administration is authorized to pay for constructing, furnishing and equipping three (3) intermediate care facilities for the mentally retarded (community group homes) and a crisis intervention facility at the locations provided for in paragraph (a)(ii) of this subsection.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration * * * declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may section as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Four Million One Hundred Thousand Dollars (\$4,100,000.00). No bonds shall be issued under this section after the effective date of House Bill No. 1049, 2013 Regular Session.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

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(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale

of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any such bond shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

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(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 3. Section 7, Chapter 580, Laws of 2007, as amended by Section 13, Chapter 431, Laws of 2011, is amended as follows:

Section 7. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated the "2007 Crisis Intervention Mental Health Facility Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under this section.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the cost of construction of a crisis intervention mental health facility for the Department of Mental Health to be located in Jackson County, or acquisition, renovation, furnishing and equipping of an existing building located in Jackson County to be utilized as a crisis intervention mental health facility.

(iii) The Department of Mental Health is authorized to lease the Jackson County facility described in subparagraph (ii) of this paragraph.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the project described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(d) The Department of Finance and Administration is authorized to pay for constructing, furnishing and equipping crisis intervention mental health facilities at the locations provided for in paragraph (a)(ii) of this subsection.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon

the adoption of a resolution by the Department of Finance and Administration * * * declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Two Million Dollars (\$2,000,000.00). No bonds shall be issued under this section after the effective date of House Bill No. 1049, 2013 Regular Session.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials

designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any such bond shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 4. Section 1, Chapter 348, Laws of 2009, is amended as follows:

Section 1. (1) As used in this act:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of the stated initial value of the bond, plus the interest accrued on the bond from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "Commission" means the State Bond Commission.

(c) "County" means Hinds County, Mississippi.

(d) "Old Capitol Green Project" means a mixed use development located in Jackson, Mississippi, bordered on the north by Pearl Street, on the west by State Street, on the east by Jefferson Street and on the south by Court Street.

(e) "State" means the State of Mississippi.

(2) (a) (i) There is created in the State Treasury a special fund to be known as the "Old Capitol Green Loan Fund." The fund shall be maintained by the State Treasurer as a special fund, separate and apart from the State General Fund. Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the special fund shall be deposited to the credit of the special fund. Monies in the special fund may not be used or expended for any purpose except as provided in this subsection.

(ii) Money deposited into the special fund shall be disbursed, in the discretion of the Mississippi Development Authority, to provide loans to the county for improvements to infrastructure related to the Old Capitol Green Project and for construction of publicly owned facilities in the Old Capitol Green Project.

(b) The county may apply to the Mississippi Development Authority for a loan under this section. The proceeds of the loan shall be utilized by the county for the purposes provided for in paragraph (a) (ii) of this subsection.

(c) (i) The Mississippi Development Authority may require county participation or funding from other sources.

(ii) The rate of interest on loans made under this section shall be at the true interest cost on the most recent

issue of twenty-year state general obligation bonds occurring prior to the date such loan is made.

(d) If the county receives a loan under this section, the county shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77, and any revenue generated by county owned property or facilities located in the Old Capitol Green Project. The loan agreement shall provide for (i) monthly payments, (ii) semiannual payments, or (iii) other periodic payments, as set forth in the loan agreement. The loan agreement shall provide for the repayment of all funds received within not more than twenty (20) years from the date of issuance.

(e) Loan payments of the county shall be deposited into the bond sinking fund created in subsection (4) of this section.

(f) If the loan payments of the county appear to be in arrears, the State Auditor, upon request of the Mississippi Development Authority, shall audit the receipts and expenditures of the county, and if he finds that the county is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 until such time as the county is again current in its loan payments as certified by the Mississippi Development Authority.

(g) Evidences of indebtedness which are issued pursuant to this act shall not be deemed indebtedness of the county within the meaning specified in Section 19-9-5.

(3) In administering the provisions of this act, the Mississippi Development Authority shall have the following powers and duties:

(a) To supervise the use of all funds made available under this act;

(b) To review and certify that the funds that are made available under this act are utilized as authorized under this act;

(c) To requisition money in the Old Capitol Green Loan Fund and distribute it in accordance with the provisions of this act;

(d) To maintain an accurate record of all funds made available to the county under this act; and

(e) To adopt and promulgate such rules and regulations as may be necessary or desirable for the purpose of implementing the provisions of this act.

(4) (a) For the purposes of providing for the payment of the principal of and interest on bonds issued under this section, there is created in the State Treasury a special fund to be known as the "Old Capitol Green Loan Bond Sinking Fund." The bond sinking fund shall consist of monies deposited into the fund by the county for repayment of loans issued under this act, and such other amounts as may be paid into the bond sinking fund by appropriation or other authorization by the Legislature. Unexpended amounts remaining in the bond sinking fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the bond sinking fund shall be deposited into the bond sinking fund.

(b) At any time when the funds required to pay the principal of and interest on the bonds issued under this act are more than the amounts available in the bond sinking fund, the Legislature shall appropriate the balance of the amount necessary to pay the principal of and interest on the bonds issued under this act from the State General Fund.

(c) The total amount of all payments deposited into the bond sinking fund until the maturity date of the bonds authorized under this act shall be in an amount sufficient to retire the bonds.

(5) (a) The Mississippi Development Authority, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Mississippi Development Authority * * * declaring the necessity for the issuance of any part or all of the bonds authorized by this section, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of the resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate

the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The total amount of bonds issued under this act shall not exceed Twenty Million Dollars (\$20,000,000.00). No bonds shall be issued under this section after the effective date of House Bill No. 1049, 2013 Regular Session.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of the bonds.

(6) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. The bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as determined by resolution of the commission.

(7) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to the bonds may be executed by the facsimile signatures of those officers. Whenever any such bonds have been signed by the officials designated to sign the bonds who were in office at the time of the signing but who may have ceased to be those officers before the sale and delivery of the bonds, or who may not have been in office on the date that the bonds may bear, the signatures of those officers upon the bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing the bonds had remained in office until their delivery to the purchaser, or had been in office on the date the bonds may bear. However, notwithstanding anything in this act to the contrary, the

bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(8) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(9) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in the issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of the bonds. The commission may sell the bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on the bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(10) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof, the full faith and credit of the State of Mississippi is irrevocably pledged. The principal of and the interest on the bonds shall be payable primarily from the bond sinking fund created in subsection (4) of this section in the

manner provided in that subsection. If the funds available in the bond sinking fund and any funds appropriated by the Legislature for those purposes are insufficient to pay the principal of and the interest on the bonds as they become due, then the amount of the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All those bonds shall contain recitals on their faces substantially covering the provisions of this section.

(11) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of the bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(12) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things that are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(13) The bonds authorized under this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by those statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(14) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining to those bonds may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under the resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest on the bonds.

(15) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and the bonds shall be legal securities that may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(16) Bonds issued under the provisions of this section and income from the bonds shall be exempt from all taxation in the State of Mississippi.

(17) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(18) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the department is authorized and directed to issue those warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of those bonds in ample time to discharge the bonds, or the interest on the bonds, on the due dates thereof.

(19) This section shall be deemed to be full and complete authority for the exercise of the powers granted in this section, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 5. Section 59-5-41, Mississippi Code of 1972, is amended as follows:

59-5-41. The board is hereby authorized, at one time or from time to time, to petition by resolution to the State Bond Commission for the issuance of negotiable bonds of the State of Mississippi by the State Bond Commission to provide funds for the purpose of paying all or any part of the cost of the acquisition of any state port, harbor, waterway or part thereof and the planned development thereof or to complete the planned development of any port, harbor, waterway or part thereof, but in no event shall the amount of such bonds issued exceed

the actual cost of an approved plan for the development of any port, harbor, waterway or part thereof. However, no bonds shall be issued under this chapter after the effective date of House Bill No. 1049, 2013 Regular Session. The principal of and the interest on such bonds shall be payable from a special fund to be provided for that purpose in the manner hereinafter set forth. Such bonds shall bear date or dates, be in such denomination or denominations, bear interest at such rate or rates, be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times, be redeemable prior to maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the State Bond Commission. Such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from date thereof and extending not more than forty (40) years from date thereof. Such bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be affixed thereto, attested by the Secretary of the State Bond Commission. The interest coupons to be attached to such bonds may be executed by the facsimile signatures of said officers. Whenever any such bonds shall have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers prior to the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

Any state port authority organized and existing under the provisions of this chapter, with the concurrence of the board, shall have the power to obtain loans from banking institutions authorized to do business in the State of Mississippi, for necessary interim financing pending the receipt of the proceeds from the sale of bonds, on such terms and at such interest rates as the authority, with the concurrence of the board, may deem feasible. All such interim loans shall be payable from

the proceeds of the permanent obligations when same shall be sold and issued, or from the proceeds of any federal grant.

SECTION 6. Section 59-5-51, Mississippi Code of 1972, is amended as follows:

59-5-51. (1) The bonds issued under the provisions of this chapter shall be payable from the special fund provided therefor as hereinafter set out and shall be the general obligations of the State of Mississippi and backed by the full faith and credit of the state, and if the funds supplied by the board to the State Treasurer from the sources prescribed by this chapter be insufficient to fully pay the interest on the bonds when due or to pay the principal of the bonds when due or when declared to be due as provided in the resolution authorizing the issuance of the bonds, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated, and all such bonds shall contain recitals on their face substantially covering the foregoing provisions of this section.

The amount of bonds issued for the acquisition and planned development of any one state port, harbor or waterway shall not exceed the sum of Eighty Million Dollars (\$80,000,000.00) outstanding at any one time, nor shall any additional bonds be issued to complete the planned development of any other port, harbor or waterway to exceed in the aggregate the sum of Eighty Million Dollars (\$80,000,000.00), outstanding at any one (1) time. However, such limitation on the amount of bonds that may be issued shall not apply to any additional bonds issued in connection with the planned development of any other port, harbor or waterway not to exceed in the aggregate the sum of One Hundred Thirty Million Dollars (\$130,000,000.00) notwithstanding the provisions of Section 59-5-47, nor any other provisions to the contrary. The entire proceeds of the One Hundred Thirty Million Dollars (\$130,000,000.00) shall be used solely for the construction or acquisition of ships, vessels, shipyards, shipbuilding facilities, machinery and equipment, dredges, floating dry docks, graving docks, marine railways, tugboats or any other facilities required or incidental to the construction, outfitting, dry docking or repair of ships or vessels. However, no such additional bonds shall be issued except where such facility or facilities are to be leased or sold, in whole or in part, for industrial purposes and the annual payments made under the lease contract and/or proceeds

of sale shall be sufficient to pay the interest on the bonds when due and to pay the principal of the bonds at or prior to maturity as provided in the resolution authorizing the issuance of the bonds to finance such project, and all costs in connection therewith. Such lease shall have been first fully guaranteed by such person, firm or corporation, if any, having control, ownership or management of the lessee. Such lease and/or sale contract and the terms and conditions thereof, shall require the joint and several approval of the board of supervisors of the county in which the port is located, the port authority and the Department of Economic and Community Development. No borrowing under this section shall be finalized prior to ten (10) days after written notice of intent to borrow is furnished to the Legislative Budget Office.

No bonds shall be issued under this chapter after the effective date of House Bill No. 1049, 2013 Regular Session.

(2) The full five-mill ad valorem levy provided for by this chapter shall be levied and collected as needed for the retirement of any bonds issued under this chapter, and all rents, emoluments and charges made and collected by the port authority, less maintenance cost and incidental expenses, shall be covered in a fund to be used to retire all bonds issued under this chapter; and also all receipts from the two-mill state ad valorem levy, disbursed to such city, county or other port or harbor agency, shall be used to service such bonds.

(3) In the event any city, county or other port, or harbor agency, however designated, shall pay to the board an amount insufficient to meet all bond and interest payments when due on their respective obligations, then any such delinquency paid by the state shall be deducted from future reimbursements for homestead exemptions under the provisions of Sections 27-33-1 through 27-33-65 from that portion reimbursed to the general county fund. Should the amount deducted from the homestead exemption reimbursement be insufficient to meet the delinquency, then the remainder of such delinquency shall be deducted from any distributions made under the provisions of Section 27-5-101 for gasoline taxes.

(4) In the event all of the above-listed sources prove inadequate to pay the principal and interest on the bonds issued and paid for by the State of Mississippi under this chapter, then such city, county or other port or harbor agency

shall levy and collect an additional ad valorem levy of not more than five (5) mills per year on all the taxable property of such city, county or other port or harbor agency, which funds so secured shall be applied toward such obligations to the State of Mississippi.

(5) The requirements of subsections (2), (3) and (4) of this section shall not be applicable to the additional bonds in the aggregate amount of One Hundred Thirty Million Dollars (\$130,000,000.00) authorized in subsection (1) of this section for the construction or acquisition of ships, vessels, shipyards, shipbuilding facilities, machinery and equipment, dredges, floating dry docks, graving docks, marine railways, tugboats or any other facilities required or incidental to the construction, outfitting, dry docking or repair of ships or vessels; provided, such county shall, at the time of issuance of any of such bonds, convey to the State of Mississippi all of its right, title and interest in and to all of the land and above-mentioned shipbuilding facilities, together with the county's right, title and interest in and to any leases, deeds, contracts or other customary business instruments which have been entered into in connection with the land and shipbuilding facilities, but such conveyance or conveyances shall be subject to the terms and provisions of such leases, deeds, contracts or other customary business instruments entered into in connection therewith. The right, title and interest of the State of Mississippi in the land and shipbuilding facilities shall be under the supervision and control of the Department of Economic and Community Development.

SECTION 7. Section 29, Chapter 480, Laws of 2011, is amended as follows:

Section 29. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

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(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2011 Old Hattiesburg High School Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist Hattiesburg Landmark Preservation in paying costs associated with :

1. Repair, renovation and improvement of the old Hattiesburg High School building and related facilities in Hattiesburg, Mississippi;

2. Restoration, repair, renovation and improvement of the old Eureka High School building and related facilities in Hattiesburg, Mississippi; and/or

3. Construction and development of and improvements and upgrades to downtown trails and related sites in Hattiesburg, Mississippi.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and

Administration* * * declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00). No bonds shall be issued under this section after July 1, 2015.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been

in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and

redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all

rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 8. Section 40, Chapter 557, Laws of 2009, is amended as follows:

Section 40. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) The Mississippi Development Authority, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the program authorized in Sections 57-40-1 through 57-40-7, Mississippi Code of 1972. Upon the adoption of a resolution by the Mississippi Development Authority * * * declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed * * * Five Million Dollars (\$5,000,000.00). No bonds authorized under this section shall be issued after July 1, * * * 2016.

(b) The proceeds of bonds issued pursuant to this section shall be deposited into the Energy Infrastructure Revolving Loan Fund created pursuant to Section 38 of this act. Any investment earnings on bonds issued pursuant to this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(3) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section

75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(4) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(5) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(6) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that

are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(7) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the Energy Infrastructure Revolving Loan Fund created in Section 57-40-3, Mississippi Code of 1972. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the

provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to

pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 9. Section 1, Chapter 480, Laws of 2011, is amended as follows:

Section 1. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2011 IHL and State Agencies Capital Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, with the approval of the Board of Trustees of State Institutions of Higher Learning on those projects related to the universities under its management and control to pay the costs of capital improvements, renovation and/or

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repair of existing facilities, furnishings and/or equipping facilities for public facilities as hereinafter described:

NAME PROJECT	AMOUNT ALLOCATED
INSTITUTIONS OF HIGHER LEARNING	\$98,900,000.00
Alcorn State University	\$ 9,200,000.00
Repair, renovation, replacement and improvement of campus infrastructure and facilities and upgrade, expansion and improvement of campus security infrastructure	\$ 8,700,000.00
Repair and renovation of the athletic pool at the Davey Whitney Health Education and Physical Education Complex and associated facility repairs.....	\$ 500,000.00
Delta State University.....	\$ 10,850,000.00
Phase III of repair, renovation, expansion, furnishing and equipping of Caylor-White/ Walters Hall and repair and renovation of campus buildings, facilities, infrastructure and continuation/completion of previously authorized projects including a fire station	\$ 10,500,000.00
Construction, furnishing and equipping of restroom and concession facilities on the visitor's side of the football stadium	\$ 350,000.00
Jackson State University	\$ 11,300,000.00
Repair and renovation of Alexander Center	\$ 6,500,000.00
Repair and renovation of campus	

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buildings, facilities, infrastructure and continuation/completion of previously authorized projects	\$ 3,000,000.00
Preplanning of the repair, renovation and expansion of Joseph H. Jackson College of Education and Human Development	\$ 350,000.00
Completion of repair and renovation, furnishing and equipping of the 101 Capitol Centre property located at 101 West Capitol Street in the City of Jackson, Mississippi	\$ 1,250,000.00
Repair and renovation of the president's home	\$ 200,000.00
Mississippi University for Women Phase I of the repair, renovation, expansion, furnishing and equipping of Fant Library	\$ 5,000,000.00
Preplanning of the repair and renovation of Shattuck Hall	\$ 250,000.00
Mississippi State University Repair, renovation, furnishing and equipping of Lee Hall, construction, furnishing and equipping of a new classroom building and repair, renovation and improvement of campus buildings, facilities, infrastructure and continuation/completion of previously authorized projects	\$ 15,200,000.00

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Mississippi State University/Division of Agriculture, Forestry and Veterinary Medicine.	\$ 1,000,000.00
Preplanning of the repair, renovation and expansion of the Herzer Facility and Ballew Hall	\$ 600,000.00
Preplanning of new abattoir facility, Phase I of the Animal Life Sciences Initiative.....	\$ 200,000.00
Repair and renovation of campus buildings, facilities, infrastructure and continuation/completion of previously authorized projects	\$ 200,000.00
Mississippi Valley State University	\$ 9,200,000.00
Repair, renovation, expansion, furnishing and equipping of the R.W. Harrison Complex	\$ 5,000,000.00
Matching funds for the tie-in of campus to City of Greenwood sewer system.....	\$ 4,000,000.00
Repair and renovation of campus buildings, facilities, infrastructure and continuation/completion of previously authorized projects	\$ 200,000.00
University of Mississippi	\$ 15,200,000.00
Repair, renovation, expansion, furnishing and equipping of buildings, facilities and infrastructure	\$ 15,200,000.00
University of Mississippi Medical Center	\$ 4,500,000.00
Planning, design and Phase I	

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of construction, furnishing and equipping of a new School of Medicine classroom-building	\$ 4,500,000.00
University of Southern Mississippi Phase II of construction, furnishing and equipping of a building to house the College of Business and repair and renovation of campus buildings, facilities, infrastructure and continuation/completion of previously authorized projects	\$ 15,200,000.00
University of Southern Mississippi/ Gulf Coast Campuses	\$ 1,500,000.00
Repair and renovation of campus buildings and facilities, and repair, renovation, replacement and improvement of campus infrastructure	\$ 1,500,000.00
IDL Education and Research Center	\$ 500,000.00
Repair and renovation of campus buildings and facilities, and repair, renovation, replacement and improvement of campus infrastructure	\$ 500,000.00
STATE AGENCIES.....	\$ * * * 79,775,000.00
Department of Finance and Administration	\$ 21,500,000.00
Costs associated with the implementation of MAGIC (Mississippi's Accountability System for Government Information and Collaboration, the state's Enterprise Resource	

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Planning System)	\$19,000,000.00
Repair and renovation of the Robert G. Clark Building property located at 301 Lamar Street in the City of Jackson, Mississippi	\$ 2,500,000.00
Department of Wildlife, Fisheries and Parks	\$ 6,500,000.00
Renovation and improvement of dams and spillways at state-owned lakes	\$ 2,500,000.00
Phase I of comprehensive repair and renovation and construction of improvements, furnishing and equipping, upgrades and additions to buildings, facilities and infrastructure at state parks as determined necessary by the Department of Wildlife, Fisheries and Parks	\$ 3,000,000.00
Phase I of repair and renovation of facilities, purchase of equipment, renovation of buildings, facilities, and improvement of access for the disabled as determined necessary by the Department of Wildlife, Fisheries and Parks for visitor services and the Center for Conservation and Biodiversity at the Mississippi Museum of Natural Science	\$ 1,000,000.00
Department of Mental Health	\$ 5,000,000.00
Repair and renovation to buildings, facilities and infrastructure at	

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Mental Health facilities as determined necessary by the Department of Mental Health	\$ 5,000,000.00
Department of Public Safety	\$ 18,000,000.00
Phase III of construction, furnishing and equipping of a central office of the Mississippi Crime Laboratory and the State Medical Examiner in Rankin County, Mississippi	\$10,000,000.00
Phase I of preplanning, construction, furnishing and equipping of a headquarters building adjacent to the central office of the Mississippi Crime Laboratory and the State Medical Examiner in Rankin County, Mississippi	\$ 3,000,000.00
Construction, furnishing and equipping of a Highway Safety Patrol substation in the Greenwood District	\$ 5,000,000.00
Department of Information Technology Services	\$ 4,500,000.00
Funding for information technology projects to include increasing cooling capacity and redundancy of critical systems at the State Data Center, addition and implementation of equipment to support mission critical systems for state agencies in the State Data Center, and projects to implement additional IT consolidation and efficiencies	\$ 4,500,000.00

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Department of Revenue	\$ * * *18,975,000.00
Additions, upgrades and improvements to department information technology systems	\$18,675,000.00
Repair, renovation, maintenance, upgrading and modernization of Alcoholic Beverage Control Division warehouse and related equipment and facilities in Gluckstadt, Mississippi	\$ 300,000.00
* * *	
Mississippi Authority for Educational Television	\$ 400,000.00
Repair, renovation, replacement and improvement of systems, equipment and facilities	\$ 400,000.00
State Fire Academy	\$ 400,000.00
Completion of construction, furnishing and equipping of new classrooms, the fire research building and related facilities at the State Fire Academy in Rankin County, Mississippi.....	\$ 400,000.00
Office of the Governor, Division of Medicaid	\$ 4,500,000.00
Funding for procuring and implementing the Mississippi Medicaid Management Information System and related system projects	\$ 4,500,000.00
TOTAL.....	\$ * * *178,675,000.00

(b) (i) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this subsection. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under this section are deposited into the special fund, then the agency or institution of higher learning for which any unused monies are allocated under

paragraph (a) of this subsection shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(ii) Monies in the special fund may be used to reimburse reasonable actual and necessary costs incurred by the Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, in administering or providing assistance directly related to a project described in paragraph (a) of this subsection. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each project by the Department of Finance and Administration, Bureau of Building, Grounds and Real Property Management. Reimbursement of reasonable actual and necessary costs for a project shall not exceed two percent (2%) of the proceeds of bonds issued for such project. Monies authorized for a particular project may not be used to reimburse administrative costs for unrelated projects.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(d) Any amounts allocated to an agency that are in excess of that needed to complete the projects at such agency that are described in paragraph (a) of this subsection may be used for general repairs and renovations at the agency.

(3) (a) (i) A special fund, to be designated as the "2011 Bureau of Building State-Owned Buildings Discretionary Fund," is created within the State Treasury. The fund shall be

maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of site and infrastructure improvements, general repairs and renovations, weatherization, demolition and roofing, environmental, mechanical, electrical and structural repairs required for state-owned facilities and community and junior colleges, repair and renovation of state-owned facilities and community and junior colleges necessary for compliance with the Americans with Disabilities Act, purchase and installation of necessary furniture and equipment, continuation and completion of previously authorized projects and payment of lease-purchase agreements; however, of the monies authorized to be deposited into the fund, not less than Two Million Dollars (\$2,000,000.00) shall be allocated for such purposes at state parks.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by

the Executive Director of the Department of Finance and Administration, or his designee.

(4) (a) (i) A special fund, to be designated as the "2011 Bureau of Building IHL Discretionary Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of site and infrastructure improvements, general repairs and renovations, weatherization, demolition and roofing, environmental, mechanical, electrical and structural repairs required for facilities at state institutions of higher learning, repair and renovation of facilities and state institutions of higher learning necessary for compliance with the Americans with Disabilities Act, purchase and installation of necessary furniture and equipment, continuation and completion of previously authorized projects and payment of lease-purchase agreements.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department,

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which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(5) (a) (i) A special fund, to be designated as the "2011 Bureau of Building State-Owned Buildings Energy Discretionary Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of improvements designed to conserve or assist in the conservation of energy at state-owned facilities and community and junior colleges.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(6) (a) (i) A special fund, to be designated as the "2011 Community and Junior Colleges Capital Improvements Fund," is created within the State Treasury. The fund shall be

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maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under this act.

(ii) The money deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of acquisition of real property, construction of new facilities, equipping and furnishing facilities, including furniture and technology equipment and infrastructure, and addition to or renovation of existing facilities for community and junior college campuses as recommended by the State Board for Community and Junior Colleges. The amount to be expended at each community and junior college is as follows:

Coahoma.....	\$ 1,161,038.00
Copiah-Lincoln.....	1,409,928.00
East Central.....	1,256,205.00
East Mississippi.....	1,592,828.00
Hinds.....	2,675,950.00
Holmes.....	1,774,035.00
Itawamba.....	2,131,224.00
Jones.....	1,710,238.00
Meridian.....	1,413,330.00
Mississippi Delta.....	1,371,066.00
Mississippi Gulf Coast.....	2,332,951.00
Northeast Mississippi.....	1,404,571.00
Northwest Mississippi.....	2,059,183.00
Pearl River.....	1,562,578.00
Southwest Mississippi.....	1,144,875.00
GRAND TOTAL.....	\$25,000,000.00

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this subsection. If any monies in such special fund

are not used within four (4) years after the date the proceeds of the bonds authorized under this section are deposited into the special fund, then the community college or junior college for which any such monies are allocated under paragraph (a) of this subsection shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this section shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(7) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsections (2), (3), (4), (5) and (6) of this section. Upon the adoption of a resolution by the Department of Finance and Administration * * * declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of

bonds issued under this section shall not exceed * * * Two Hundred Twenty-seven Million One Hundred Seventy-five Thousand Dollars (\$227,175,000.00). No bonds shall be issued under this section after July 1, 2015.

(b) The proceeds of the bonds issued pursuant to this act shall be deposited into the following special funds in not more than the following amounts:

(i) The 2011 IHL and State Agencies Capital Improvements Fund created pursuant to subsection (2) of this section.....
\$ * * * 178,675,000.00.

(ii) The 2011 Bureau of Building State-Owned Buildings Discretionary Fund created pursuant to subsection (3) of this section \$ 15,500,000.00.

(iii) The 2011 Bureau of Building IHL Discretionary Fund created pursuant to subsection (4) of this section \$ 4,000,000.00.

(iv) The 2011 Bureau of Building State-Owned Buildings Energy Discretionary Fund created pursuant to subsection (5) of this section..... \$ 4,000,000.00.

(v) The 2011 Community and Junior Colleges Capital Improvements Fund created pursuant to subsection (6) of this section \$ 25,000,000.00.

(c) Any investment earnings on amounts deposited into the special funds created in subsections (2), (3), (4), (5) and (6) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(8) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

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(9) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(10) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(11) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

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If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(12) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(13) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special funds created in subsections (2), (3), (4), (5) and (6) of this section in the amounts provided for in subsection (7)(b) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(14) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(15) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner

and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(16) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(17) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(18) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(19) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(20) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(21) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 10. (1) As used in this act:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of the stated initial value of the bond, plus the interest accrued on the bond from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "Commission" means the State Bond Commission.

(c) "County" means Hinds County, Mississippi.

(d) "State" means the State of Mississippi.

(2) (a) (i) There is created in the State Treasury a special fund to be known as the "Hinds County Development Project Loan Fund." The fund shall be maintained by the State Treasurer as a special fund, separate and apart from the State General Fund. Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the special fund shall be deposited to the credit of the special fund. Monies in the special fund may not be used or expended for any purpose except as provided in this subsection.

(ii) Money deposited into the special fund shall be disbursed, in the discretion of the Mississippi Development Authority, to provide loans to the county to be utilized by the county to assist in the construction of a hotel in the county with at least two hundred (200) guest rooms.

(b) The county may apply to the Mississippi Development Authority for a loan under this section. The proceeds of the loan shall be utilized by the county for the purposes provided for in paragraph (a)(ii) of this subsection.

(c) (i) The Mississippi Development Authority may require county participation or funding from other sources.

(ii) The rate of interest on loans made under this section shall be at the true interest cost on the most recent

issue of twenty-year state general obligation bonds occurring prior to the date such loan is made.

(d) If the county receives a loan under this section, the county shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77, and any revenue generated for the county by a project funded by a loan made pursuant to this act. The loan agreement shall provide for (i) monthly payments, (ii) semiannual payments, or (iii) other periodic payments, as set forth in the loan agreement. The loan agreement shall provide for the repayment of all funds received within not more than twenty (20) years from the date of issuance.

(e) Loan payments of the county shall be deposited into the bond sinking fund created in subsection (4) of this section.

(f) If the loan payments of the county appear to be in arrears, the State Auditor, upon request of the Mississippi Development Authority, shall audit the receipts and expenditures of the county, and if he finds that the county is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 until such time as the county is again current in its loan payments as certified by the Mississippi Development Authority.

(g) Evidences of indebtedness which are issued pursuant to this act shall not be deemed indebtedness of the county within the meaning specified in Section 19-9-5.

(3) In administering the provisions of this act, the Mississippi Development Authority shall have the following powers and duties:

(a) To supervise the use of all funds made available under this act;

(b) To review and certify that the funds that are made available under this act are utilized as authorized under this act;

(c) To requisition money in the Hinds County Development Project Loan Fund and distribute it in accordance with the provisions of this act;

(d) To maintain an accurate record of all funds made available to the county under this act; and

(e) To adopt and promulgate such rules and regulations as may be necessary or desirable for the purpose of implementing the provisions of this act.

(4) (a) For the purposes of providing for the payment of the principal of and interest on bonds issued under this section, there is created in the State Treasury a special fund to be known as the "Hinds County Development Project Loan Fund Bond Sinking Fund." The bond sinking fund shall consist of monies deposited into the fund by the county for repayment of loans issued under this act, and such other amounts as may be paid into the bond sinking fund by appropriation or other authorization by the Legislature. Unexpended amounts remaining in the bond sinking fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the bond sinking fund shall be deposited into the bond sinking fund.

(b) At any time when the funds required to pay the principal of and interest on the bonds issued under this act are more than the amounts available in the bond sinking fund, the Legislature shall appropriate the balance of the amount necessary to pay the principal of and interest on the bonds issued under this act from the State General Fund.

(c) The total amount of all payments deposited into the bond sinking fund until the maturity date of the bonds authorized under this act shall be in an amount sufficient to retire the bonds.

(5) (a) The Mississippi Development Authority, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Mississippi Development Authority declaring the necessity for the issuance of any part or all of the bonds authorized by this section, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of the resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate

the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The total amount of bonds issued under this act shall not exceed Twenty Million Dollars (\$20,000,000.00).

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of the bonds.

(6) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. The bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as determined by resolution of the commission.

(7) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to the bonds may be executed by the facsimile signatures of those officers. Whenever any such bonds have been signed by the officials designated to sign the bonds who were in office at the time of the signing but who may have ceased to be those officers before the sale and delivery of the bonds, or who may not have been in office on the date that the bonds may bear, the signatures of those officers upon the bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing the bonds had remained in office until their delivery to the purchaser, or had been in office on the date the bonds may bear. However, notwithstanding anything in this act to the contrary, the bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(8) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(9) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in the issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of the bonds. The commission may sell the bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on the bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(10) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof, the full faith and credit of the State of Mississippi is irrevocably pledged. The principal of and the interest on the bonds shall be payable primarily from the bond sinking fund created in subsection (4) of this section in the manner provided in that subsection. If the funds available in the bond sinking fund and any funds appropriated by the

Legislature for those purposes are insufficient to pay the principal of and the interest on the bonds as they become due, then the amount of the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All those bonds shall contain recitals on their faces substantially covering the provisions of this section.

(11) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of the bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(12) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things that are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(13) The bonds authorized under this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by those statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(14) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining to those bonds may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under the resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest on the bonds.

(15) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries,

and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and the bonds shall be legal securities that may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(16) Bonds issued under the provisions of this section and income from the bonds shall be exempt from all taxation in the State of Mississippi.

(17) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(18) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the department is authorized and directed to issue those warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of those bonds in ample time to discharge the bonds, or the interest on the bonds, on the due dates thereof.

(19) This section shall be deemed to be full and complete authority for the exercise of the powers granted in this section, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 11. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 1164

Description: Cosmetology licensure law; extend repealer on and revise various provisions of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 523

History of Actions:

1	01/21	(H) Referred To Public Health and Human Services
2	02/05	(H) Title Suff Do Pass Comm Sub
3	02/07	(H) Committee Substitute Adopted
4	02/07	(H) Passed {Vote}
5	02/11	(H) Transmitted To Senate
6	02/12	(S) Referred To Public Health and Welfare
7	03/05	(S) Title Suff Do Pass As Amended
8	03/12	(S) Amended
9	03/12	(S) Passed As Amended {Vote}
10	03/13	(S) Returned For Concurrence
11	03/14	(H) Decline to Concur/Invite Conf
12	03/25	(H) Conferees Named Mims, Hood, DeBar
13	03/26	(S) Conferees Named Kirby, Blount, Parks
14	03/30	(S) Conference Report Filed
15	03/30	(H) Conference Report Filed
16	04/01	(H) Conference Report Adopted {Vote}
17	04/02	(S) Conference Report Adopted {Vote}
18	04/09	(S) Enrolled Bill Signed
19	04/09	(H) Enrolled Bill Signed
20	04/23	Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 1164

Conference Reports:

| Conference Report

Code Section: R 073-0007-0001, A 073-0007-0002, R 073-0007-0003, R 073-0007-0005, A 073-0007-0007, A 073-0007-0009, R 073-0007-0011, A 073-0007-0012, A 073-0007-0013, A 073-0007-0014, A 073-0007-0015, A 073-0007-0016, A 073-0007-0017, R 073-0007-0018, A 073-0007-0019, A 073-0007-0021, A 073-0007-0023, R 073-0007-0025, A 073-0007-0027, R 073-0007-0029, R 073-0007-0031, A 073-0007-0033, A 073-0007-0035, A 073-0007-0037, RP 073-0007-0051, RP 073-0007-0053, RP 073-0007-0055, RP 073-0007-0057, RP 073-0007-0059, RP 073-0007-0061, A 073-0007-0071, A 073-0007-0063

---- Additional Information ----

House Committee: Public Health and Human Services

Senate Committee: Public Health and Welfare

Principal Author: Formby

Title: AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37 WHICH CREATE THE STATE BOARD OF COSMETOLOGY AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND SECTION 73-7-2, MISSISSIPPI CODE OF 1972, TO CLARIFY AND REVISE DEFINITIONS OF SEVERAL TERMS USED IN THE COSMETOLOGY LAWS; TO AMEND SECTION 73-7-7, MISSISSIPPI CODE OF 1972, TO UPDATE THE ASSOCIATION NAME WHICH ELECTS DELEGATES TO THE MISSISSIPPI COSMETOLOGY COUNCIL; TO AMEND SECTION 73-7-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF COSMETOLOGY TO ISSUE A TEMPORARY PERMIT TO ANY STUDENT WHO HAS COMPLETED PRESCRIBED HOURS IN A LICENSED SCHOOL AND PAID THE REQUIRED FEE; TO REQUIRE PASSPORT PHOTOGRAPHS OF THE APPLICANT WITH THE APPLICATION FOR EXAMINATION AND LICENSE; TO REQUIRE BIENNIAL PAYMENT OF FEES FOR PROCESSING AN INACTIVE LICENSE TO AMEND SECTION 73-7-14, MISSISSIPPI CODE OF 1972, TO AUTHORIZE MASTER MANICURIST AND ESTHETICIAN LICENSES; TO AMEND SECTION 73-7-15, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS FOR A COSMETOLOGY INSTRUCTOR'S LICENSE; TO AMEND SECTION 73-7-16, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PAYMENT OF FEES FOR SCHOOL LICENSE BIENNIALY; TO REMOVE CERTAIN EXEMPTIONS FOR HIRING AND TRAINING FACULTY AT NATIONALLY ACCREDITED SCHOOL; TO CLARIFY THE ADMISSION REQUIREMENTS THAT SCHOOLS MUST FOLLOW ON APTITUDE TESTS IN ADMITTING STUDENTS; TO REMOVE CERTAIN REQUIREMENTS OF EVIDENCE OF NATIONAL ACCREDITATION FOR PRIVATE BUSINESS AND VOCATIONAL SCHOOLS; TO AMEND SECTION 73-7-17, MISSISSIPPI CODE OF 1972, TO REQUIRE A NEW APPLICATION FOR A SALON LICENSE EXPIRED FOR OVER ONE YEAR; TO AMEND SECTION 73-7-21, MISSISSIPPI CODE OF 1972, TO CLARIFY ADOPTION OF REGULATION ON USE OF ELECTRIC NAIL FILES FOR FILING FALSE OR NATURAL NAILS; TO AMEND SECTION 73-7-23, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2419, 2013 REGULAR SESSION, TO REVISE

THE PROVISIONS FOR LICENSURE BY RECIPROCITY; TO AMEND SECTION 73-7-27, MISSISSIPPI CODE OF 1972, TO REQUIRE THE FILING OF AN APPEAL OF ADVERSE RULING OR ORDER OR DECISION OF THE BOARD OF COSMETOLOGY TO THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY; TO AMEND SECTION 73-7-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT LICENSEES WITH A COMMUNICABLE DISEASE OR INFECTION SHALL NOT PRACTICE COSMETOLOGY UNTIL THEIR CONDITION IS NO LONGER COMMUNICABLE; TO AMEND SECTION 73-7-37, MISSISSIPPI CODE OF 1972, TO ESTABLISH ANY COURT OF COMPETENT JURISDICTION IN HINDS COUNTY AS VENUE FOR FILING ACTIONS IN VIOLATION OF COSMETOLOGY LAWS; TO ESTABLISH THE CHANCERY COURT OF FIRST JUDICIAL DISTRICT OF HINDS COUNTY AS VENUE FOR APPLYING FOR ORDERS ENJOINING VIOLATIONS OR ENFORCING COMPLIANCE WITH PROVISIONS OF COSMETOLOGY LAWS; TO REPEAL SECTIONS 73-7-51 THROUGH 73-7-61, MISSISSIPPI CODE OF 1972, RELATING TO WIG SPECIALISTS AND WIG SALONS; TO AMEND SECTIONS 73-7-9, 73-7-12, 73-7-19, 73-7-35 AND 73-7-71, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 73-7-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THOSE SECTIONS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1164

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Human Services

By: Representative Formby

House Bill 1164

(As Sent to Governor)

AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37 WHICH CREATE THE STATE BOARD OF COSMETOLOGY AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND SECTION 73-7-2, MISSISSIPPI CODE OF 1972, TO CLARIFY AND REVISE DEFINITIONS OF SEVERAL TERMS USED IN THE COSMETOLOGY LAWS; TO AMEND SECTION 73-7-7, MISSISSIPPI CODE OF 1972, TO UPDATE THE ASSOCIATION NAME WHICH ELECTS DELEGATES TO THE MISSISSIPPI COSMETOLOGY COUNCIL; TO AMEND SECTION 73-7-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF COSMETOLOGY TO ISSUE A TEMPORARY PERMIT TO ANY STUDENT WHO HAS COMPLETED PRESCRIBED HOURS IN A LICENSED SCHOOL AND PAID THE REQUIRED FEE; TO REQUIRE PASSPORT PHOTOGRAPHS OF THE APPLICANT WITH THE APPLICATION FOR EXAMINATION AND LICENSE; TO REQUIRE BIENNIAL PAYMENT OF FEES FOR PROCESSING AN INACTIVE LICENSE TO AMEND SECTION 73-7-14, MISSISSIPPI CODE OF 1972, TO AUTHORIZE MASTER MANICURIST AND ESTHETICIAN LICENSES; TO AMEND SECTION 73-7-15, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS FOR A COSMETOLOGY INSTRUCTOR'S LICENSE; TO AMEND SECTION 73-7-16, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PAYMENT OF FEES FOR SCHOOL LICENSE BIENNIALY; TO REMOVE CERTAIN EXEMPTIONS FOR HIRING AND TRAINING FACULTY AT NATIONALLY ACCREDITED SCHOOL; TO CLARIFY THE ADMISSION REQUIREMENTS THAT SCHOOLS MUST FOLLOW ON APTITUDE TESTS IN ADMITTING STUDENTS; TO REMOVE CERTAIN REQUIREMENTS OF EVIDENCE OF NATIONAL ACCREDITATION FOR PRIVATE BUSINESS AND VOCATIONAL SCHOOLS; TO AMEND SECTION 73-7-17, MISSISSIPPI CODE OF 1972, TO REQUIRE A NEW APPLICATION FOR A SALON LICENSE EXPIRED FOR OVER ONE YEAR; TO AMEND SECTION 73-7-21, MISSISSIPPI CODE OF 1972, TO CLARIFY ADOPTION OF REGULATION ON USE OF ELECTRIC NAIL FILES FOR FILING FALSE OR NATURAL NAILS; TO AMEND SECTION 73-7-23, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2419, 2013 REGULAR SESSION, TO REVISE THE PROVISIONS FOR LICENSURE BY RECIPROCITY; TO AMEND SECTION 73-7-27, MISSISSIPPI CODE OF 1972, TO REQUIRE THE FILING OF AN APPEAL OF ADVERSE RULING OR ORDER OR DECISION OF THE BOARD OF COSMETOLOGY TO THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY; TO

2013 GENERAL LAWS OF MISSISSIPPI HB 1164

AMEND SECTION 73-7-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT LICENSEES WITH A COMMUNICABLE DISEASE OR INFECTION SHALL NOT PRACTICE COSMETOLOGY UNTIL THEIR CONDITION IS NO LONGER COMMUNICABLE; TO AMEND SECTION 73-7-37, MISSISSIPPI CODE OF 1972, TO ESTABLISH ANY COURT OF COMPETENT JURISDICTION IN HINDS COUNTY AS VENUE FOR FILING ACTIONS IN VIOLATION OF COSMETOLOGY LAWS; TO ESTABLISH THE CHANCERY COURT OF FIRST JUDICIAL DISTRICT OF HINDS COUNTY AS VENUE FOR APPLYING FOR ORDERS ENJOINING VIOLATIONS OR ENFORCING COMPLIANCE WITH PROVISIONS OF COSMETOLOGY LAWS; TO REPEAL SECTIONS 73-7-51 THROUGH 73-7-61, MISSISSIPPI CODE OF 1972, RELATING TO WIG SPECIALISTS AND WIG SALONS; TO AMEND SECTIONS 73-7-9, 73-7-12, 73-7-19, 73-7-35 AND 73-7-71, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 73-7-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THOSE SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-7-1, Mississippi Code of 1972, is reenacted as follows:

73-7-1. There is hereby continued and reconstituted a State Board of Cosmetology, composed of five (5) members to be appointed by the Governor, with the advice and consent of the Senate, and whose term of office shall be four (4) years from the date of appointment except as otherwise provided herein. However, no more than two (2) members shall be appointed from each Supreme Court district.

There shall be a president of the board and such other officers as deemed necessary by the board elected by and from its membership, provided that the member elected as president shall have at least one (1) year of experience on the board. Any member appointed by the Governor and confirmed by the Senate for a term to begin on or after July 1, 1997, who was designated by the Governor to serve as president of the board, shall be fully qualified to serve on the board for a full term of office, but shall not serve as president of the board unless elected by the membership of the board as provided under this paragraph.

To be eligible for appointment as a member of the State Board of Cosmetology, the person applying shall have been a citizen of this state for a minimum of five (5) years immediately prior to appointment. Such person shall be at least thirty (30) years of age, possess a high school education or its

equivalent, and shall have been a licensed cosmetologist with not less than ten (10) years' active practice in cosmetology. No member of the board shall be connected in any way with any school wherein cosmetology is taught, nor shall any two (2) members of the board be graduates of the same school of cosmetology.

However, in the event of vacancy by death or resignation of any member of the board, the Governor shall, within thirty (30) days, appoint a person possessing all qualifications required to serve the remainder of the term. Any member who shall not attend two (2) consecutive meetings of the board for reasons other than illness of such member shall be subject to removal by the Governor. The president of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.

The salaries of all paid employees of the board shall be paid out of funds in the board's special fund in the State Treasury. Each member of the board, excepting the inspectors provided for herein, shall receive per diem as authorized by Section 25-3-69, and shall be reimbursed for such other expenses at the same rate and under the same conditions as other state employees as provided for in Section 25-3-41.

The board shall give reasonable public notice of all board meetings not less than ten (10) days prior to such meetings.

SECTION 2. Section 73-7-2, Mississippi Code of 1972, is amended as follows:

73-7-2. As used in this chapter, the following terms shall have the meanings ascribed herein unless the context otherwise requires:

(a) "Board" means the State Board of Cosmetology.

(b) "Cosmetology" means any one (1) or a combination of the following practices if they are performed on a person's head, face, neck, shoulder, arms, hands, legs or feet for cosmetic purposes:

(i) Cutting, clipping or trimming hair and hair pieces.

(ii) Styling, arranging, dressing, curling, waving, permanent waving, straightening, cleansing, bleaching, tinting, coloring or similarly treating hair and hair pieces.

(iii) Cleansing, stimulating, manipulating, beautifying or applying oils, antiseptics, clays, lotions

or other preparations, either by hand or by mechanical or electrical apparatus.

(iv) Arching eyebrows, to include tweezing, waxing, threading or any other methods of epilation, or tinting eyebrows and eyelashes.

(v) Removing superfluous hair by the use of * * * depilation.

(vi) Manicuring and pedicuring.

(c) "Cosmetologist" means a person who for compensation, whether direct or indirect, engages in the practice of cosmetology.

(d) "Esthetics" means any one (1) or a combination of the following practices:

(i) Massaging the face or neck of a person.

(ii) * * * Arching eyebrows to include trimming, tweezing, waxing, threading or any other method of epilation or tinting eyebrows and eyelashes.

(iii) Tinting eyelashes or eyebrows.

(iv) Waxing, stimulating, cleaning or beautifying the face, neck, arms or legs of a person by any method with the aid of the hands or any mechanical or electrical apparatus, or by the use of a cosmetic preparation.

The term "esthetics" shall not include the diagnosis, treatment or therapy of any dermatological condition.

(e) "Esthetician" means any person who, for compensation, either direct or indirect, engages in the practice of esthetics.

(f) "Instructor" means a person licensed to teach cosmetology, or manicuring and pedicuring, or esthetics, * * * or all of those, pursuant to this chapter, and shall include those persons engaged in the instruction of student instructors.

(g) "Manicuring and pedicuring" means any one (1) or a combination of the following practices:

(i) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating a person's nails.

(ii) Applying artificial nails.

(iii) Massaging or cleaning a person's hands, arms, legs or feet.

(h) "Manicurist" means a person who for compensation, either direct or indirect, engages in the practice of manicuring and pedicuring.

(i) "Master" * * * means a person holding a cosmetology, manicuring and esthetics license who has completed the minimum course of continuing education prescribed by Section 73-7-14.

(j) "Salon" means an establishment operated for the purpose of engaging in the practice of cosmetology, or manicuring and pedicuring, or esthetics, or wigology, or all of those.

(k) "School" means an establishment, public or private, operated for the purpose of teaching cosmetology, or manicuring and pedicuring, or esthetics, or wigology, or all of those.

* * *

SECTION 3. Section 73-7-3, Mississippi Code of 1972, is reenacted as follows:

73-7-3. The board shall be authorized to employ such clerical and stenographic assistance, bookkeepers, investigators and other agents as they may deem necessary to carry out the provisions of this chapter, and to fix their tenure of employment and compensation therefor. The members of the board shall file a bond with the Secretary of State in the sum of not less than Five Thousand Dollars (\$5,000.00) payable to the State of Mississippi for the faithful performance of their duties. The bond shall be made by a surety company authorized to do business in this state, the premium of the bond to be paid out of any money in the board's special fund in the State Treasury.

The office of the board shall be located in the greater metropolitan area of the City of Jackson, Mississippi, and in the event office space cannot be obtained in any state-owned building, the board is authorized to rent suitable office space and to pay therefor out of funds in the board's special fund. The board shall employ inspectors as needed, not to exceed seven (7), who shall be full-time employees and whose salaries and duties shall be fixed by the board.

The salaries of all paid employees of the board shall be paid out of the funds in the board's special fund. The

inspectors shall, in addition to their salaries, be reimbursed for such expenses as are allowed other state employees under the provisions of Section 25-3-41. In addition to the paying of office rent, the board is authorized to purchase necessary office furniture and equipment, stationery, books, certificates and any other equipment necessary for the proper administration of this chapter.

SECTION 4. Section 73-7-5, Mississippi Code of 1972, is reenacted as follows:

73-7-5. (1) All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and shall be disbursed by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the president of the board or another board member designated by the president, and countersigned by the secretary of the board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund.

(2) The State Auditor shall audit the financial affairs of the board and the transactions involving the special fund at least once a year in the same manner as for other special fund agencies. In addition, the Governor, in his discretion, shall have the power from time to time to require an audit of the financial affairs of the board, the same to be made by the State Auditor upon request of the Governor. The Governor shall have the power to suspend any member of the board who shall be found in default in any account until such time as it shall be determined whether such default was a result of an act of dishonesty on the part of the member, and in the event it is found that such default is an act of dishonesty, misfeasance or nonfeasance on the part of the member, such member shall be immediately removed by the Governor from office.

SECTION 5. Section 73-7-7, Mississippi Code of 1972, is amended as follows:

73-7-7. (1) The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter. The board shall set up a curriculum for operation of schools of cosmetology and the other professions it is charged to regulate in this state. The board shall receive and consider for adoption recommendations for rules and regulations, school curriculum, and related matters from the Mississippi Cosmetology Council, whose membership shall consist of, in addition to the board members, five (5) elected delegates from the Mississippi * * * Cosmetology Association, five (5) elected delegates from the Mississippi Cosmetology School Association, five (5) elected delegates from the Mississippi Independent Beauticians Association, and five (5) elected delegates from the School Owners and Teachers Association. The board may revoke the license of any cosmetologist, esthetician, manicurist, * * * instructor, school of cosmetology, or salon, or may refuse to issue a license to any cosmetologist, esthetician, manicurist, * * * instructor, school of cosmetology, or salon that fails or refuses to comply with the provisions of this chapter and the rules and regulations of the board in carrying out the provisions of this chapter.

(2) The board shall have authority to prescribe reasonable rules and regulations governing sanitation of schools of cosmetology and beauty salons for the guidance of persons licensed under this chapter in the operation of schools of cosmetology, or a beauty salon, and in the practice of cosmetology, esthetics, manicuring and pedicuring, and wigology. However, any and all rules and regulations relating to sanitation shall, before adoption by the board, have the written approval of the State Board of Health. When the board has reason to believe that any of the provisions of this chapter or of the rules and regulations of the board have been violated, either upon receipt of a written complaint alleging such violations or upon the board's own initiative, the board, or any of its authorized agents, shall investigate same and shall have authority to enter upon the premises of a school of cosmetology or salon at any time during the regular business hours of that school or salon to conduct the investigation. Such investigation may include, but not be limited to, conducting oral interviews with the complaining party, school or salon owner(s) and/or students of the school, and reviewing records of the school or salon pertinent to the

complaint and related to an area subject to the authority of the board. Such investigation shall not include written interviews or surveys of school employees or students, and the privacy of patrons shall be respected by any person making such investigation.

(3) On or before July 1, 2001, the board shall adopt regulations to ensure that all fingernail service products used by licensed cosmetologists, manicurists and other licensees do not contain methyl methacrylate (MMA) as a monomer agent for cosmetic nail applications.

(4) If the board finds that a violation of the provisions of this chapter or the rules and regulations of the board has occurred, it may cause a hearing to be held as set forth in Section 73-7-27.

SECTION 6. Section 73-7-9, Mississippi Code of 1972, is amended as follows:

73-7-9. No person required by this chapter to have a license shall conduct a beauty salon or school of cosmetology, or practice cosmetology, esthetics, manicuring and pedicuring, * * * or practice as an instructor, unless such person has received a license or temporary permit therefor from the board. Students determined to have violated any of these rules or regulations prior to being licensed by the board shall be subject to the same discipline by the board as licensees. They may be disciplined and fined accordingly.

SECTION 7. Section 73-7-11, Mississippi Code of 1972, is reenacted as follows:

73-7-11. Each owner of a certificate of registration issued by the state board, pursuant to the provisions of this chapter, shall display said certificate of registration in a conspicuous place in his or her principal office, place of business or employment, at all times.

SECTION 8. Section 73-7-12, Mississippi Code of 1972, is amended as follows:

73-7-12. The State Board of Cosmetology shall contract with a recognized testing service to conduct examinations for cosmetologists, estheticians, manicurists* * * and instructors at such times and locations as determined by the contracted testing service. No member of the board shall be authorized to personally administer the examinations.

SECTION 9. Section 73-7-13, Mississippi Code of 1972, is amended as follows:

73-7-13. (1) The board shall admit to examination for a cosmetology license any person who has made application to the board in proper form, has paid the required fee, and who (a) is at least seventeen (17) years of age, (b) can read, write and speak English, (c) has successfully completed no less than fifteen hundred (1500) hours over a period of no less than nine (9) months in an accredited school of cosmetology, and (d) has a high school education or its equivalent.

(a) The board may, in its discretion, issue to any student who has completed the prescribed hours * * * in a licensed school and paid the required fee a temporary permit until such time as the next examination may be held, but such student shall be issued only one (1) temporary permit. Application for an examination and license shall be accompanied by two (2) * * * passport photographs of the applicant. No temporary permit will be issued an applicant from any other state to operate a beauty salon or school of cosmetology in this state unless in case of emergency.

(b) Applicants for the cosmetologist examination, after having satisfactorily passed the prescribed examination, shall be issued a cosmetology license which until June 30, 2001, shall be valid for one (1) year, and after July 1, 2001, shall be valid for two (2) years, and all those licenses shall be subject to renewal.

(c) Any barber who can read, write and speak English and has successfully completed no less than fifteen hundred (1500) hours in an accredited barber school, and who holds a current valid certificate of registration to practice barbering and who holds a current valid license, is eligible to take the cosmetology examination to secure a cosmetology license upon successfully completing five hundred (500) hours in an accredited school of cosmetology. All fees for application, examination, registration and renewal thereof shall be the same as provided for cosmetologists.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

(3) Any licensed cosmetologist, esthetician, or manicurist * * * who is registered but not actively practicing in

the State of Mississippi at the time of making application for renewal, may apply for registration on the "inactive" list. Such "inactive" list shall be maintained by the board and shall set out the names and post office addresses of all persons registered but not actively practicing in this state, arranged alphabetically by name and also by the municipalities and states of their last-known professional or residential address. Only the cosmetologists, estheticians * * * and manicurists * * * registered on the appropriate list as actively practicing in the State of Mississippi shall be authorized to practice those professions. For the purpose of this section, any licensed cosmetologist, esthetician * * * or manicurist who has actively practiced his or her profession for at least three (3) months of the immediately preceding license renewal period shall be considered in active practice. No cosmetologist, esthetician, or manicurist * * * shall be registered on the "inactive" list until the person has furnished a statement of intent to take such action to the board. Any licensed cosmetologist, esthetician, manicurist or wigologist registered on the "inactive" list shall not be eligible for registration on the active list until either of the following conditions have been satisfied:

(a) Written application shall be submitted to the State Board of Cosmetology stating the reasons for such inactivity and setting forth such other information as the board may require on an individual basis and completion of the number of clock hours of continuing education as approved by the board; or

(b) Evidence to the satisfaction of the board shall be submitted that they have actively practiced their profession in good standing in another state and have not been guilty of conduct that would warrant suspension or revocation as provided by applicable law; and

(c) Payment of the fee for processing such inactive license shall be paid biennially in accordance to board rules.

SECTION 10. Section 73-7-14, Mississippi Code of 1972, is amended as follows:

73-7-14. (1) Any person who holds a current, valid cosmetology, manicuring or esthetics license may be licensed as a master cosmetologist, manicurist or esthetician if he or she has been a licensed cosmetologist, manicurist or esthetician in this state for a period of not less than twelve

(12) months, and has completed a minimum course of sixteen (16) hours' study in continuing education approved by the board within the licensing period preceding initial application for the license, and has paid the original license fee. Master cosmetologist, manicurist or esthetician licenses shall be renewable upon completion of a minimum course of eight (8) hours' study in continuing education approved by the board within a licensing period and payment of the required renewal fee. This is an optional license and persons who do not wish to complete the continuing education requirement may obtain a cosmetology license when renewing their license.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 11. Section 73-7-15, Mississippi Code of 1972, is amended as follows:

73-7-15. (1) The board shall admit to examination for a cosmetology instructor's license any person who has made application to the board in proper form, has paid the required fee, and who:

- (a) Is not less than twenty-one (21) years of age;
- (b) Can read, write and speak English;
- (c) Is a graduate of an accredited cosmetology school;
- (d) Has a high school education or its equivalent;
- (e) Has successfully completed seven hundred fifty (750) hours of instructor training in an accredited school of cosmetology;

(f) Has successfully completed twelve (12) semester hours in college courses approved by the board;

(g) Holds a current, valid Mississippi cosmetology license; and

(h) Has at least two (2) years' active practical experience as a * * * cosmetologist or, as an alternative to such experience, has successfully completed two thousand (2,000) hours of instructor training in an accredited school of cosmetology.

(2) The board shall admit to examination for an esthetics instructor's license any person who has made application to the board in proper form, has paid the required fee, and who:

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(a) Is not less than twenty-one (21) years of age;

(b) Can read, write and speak English;

(c) Has a high school education or its equivalent;

(d) Has successfully completed six hundred (600) hours of instructor training in an accredited school in which the practice of esthetics is taught;

(e) Has successfully completed twelve (12) semester hours in college courses approved by the board;

(f) Holds a current, valid Mississippi esthetician's license; and

(g) Has had two (2) years of active practical experience as an esthetician or, as an alternative to such experience, has successfully completed one thousand (1,000) hours of instructor training in an accredited school in which the practice of esthetics is taught.

(3) The board shall admit to examination for a manicurist instructor's license any person who has made application to the board in proper form, has paid the required fee, and who:

(a) Is not less than twenty-one (21) years of age;

(b) Can read, write and speak English;

(c) Has a high school education or its equivalent;

(d) Has successfully completed six hundred (600) hours of instructor training in an accredited school in which the practice of manicuring is taught;

(e) Has successfully completed twelve (12) semester hours in college courses approved by the board;

(f) Holds a current, valid Mississippi manicurist's license; and

(g) Has had two (2) years of active practical experience as a manicurist or, as an alternative to such experience, has successfully completed one thousand (1,000) hours of instructor training in an accredited school in which the practice of manicuring is taught.

(4) Applicants shall satisfactorily pass the examination prescribed by the board for licensing instructors prior to the issuance of the licenses provided for in this section. However, the board may, in its discretion, issue a temporary instructor's permit until such time as the next examination

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may be held, but such applicant shall be issued only one (1) temporary permit. All applications for an instructor's examination shall be accompanied by two (2) recent head photographs of the applicant.

(5) All instructors licensed pursuant to this section shall biennially obtain twenty-four (24) clock hours of continuing education in teacher training instruction in cosmetology or esthetics or manicuring, as the case may be, as approved by the board. Any instructor who fails to obtain the continuing education required by this subsection shall not be allowed to instruct nor enroll students under his or her license until such education requirement has been met. The board may issue an inactive instructor's license to such instructors, and an inactive license may be converted into an active license after proof satisfactory to the board of completion of at least twenty-four (24) clock hours of approved continuing education required for teacher training instruction.

(6) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 12. Section 73-7-16, Mississippi Code of 1972, is amended as follows:

73-7-16. (1) All schools of cosmetology or school owners shall have a school license and shall pay to the board the required license fee * * * biennially therefor. A grace period of sixty (60) days will be given in which to renew the license, and upon the expiration of the grace period of sixty (60) days, any applicant for the renewal of a school license will be required to pay a delinquent fee in addition to the renewal fee. The board is hereby authorized and empowered to promulgate necessary and reasonable rules and regulations for the issuance and renewal of school licenses. However, the board shall not refuse to issue or renew a school's license because of the number of schools already in that area of the state, and any rule promulgated by the board for that purpose shall be null and void.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64 * * *.

* * *

(3) The board shall require all schools of cosmetology to only admit students who * * * met minimum competencies on an acceptable aptitude test unless enrolled in a high school cosmetology program.

* * *

SECTION 13. Section 73-7-17, Mississippi Code of 1972, is amended as follows:

73-7-17. (1) All salon owners shall have a salon license and shall pay to the board the required license fee therefor and pay the required renewal fee for renewal thereof. A grace period of sixty (60) days will be given in which to renew the license, and upon the expiration of the grace period of sixty (60) days any applicant for the renewal of a salon license will be required to pay a delinquent fee in addition to the renewal fee. A salon license that has been expired for over one (1) year is nonrenewable and requires a new application. Prior to the initial issuance of such license, the board shall inspect the premises to determine if same qualifies with the law, upon payment by the applicant of the required inspection fee.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 14. Section 73-7-18, Mississippi Code of 1972, is reenacted as follows:

73-7-18. (1) The board shall admit to examination for an esthetician's license any person who has made application to the board in proper form, has paid the required fee, and who:

(a) Is not less than seventeen (17) years of age;

(b) Can read, write and speak English;

(c) Has a high school education or its equivalent; and

(d) Has successfully completed a course of training in esthetics of not less than six hundred (600) hours in an accredited school in which the practice of esthetics is taught, including not less than one hundred (100) hours of theory and five hundred (500) hours of skill practice.

Any licensed esthetician wishing to acquire a cosmetology license may apply the six hundred (600) hours of esthetics training toward the requirements for a cosmetology license.

(2) Every person who has completed not less than three hundred fifty (350) hours of training in esthetics approved by the board in this or any other state prior to July 1, 1987, shall be registered with the board within a period not exceeding six (6) months after July 1, 1987, and shall be granted an esthetician's license by the board if such person presents satisfactory evidence to the board that he or she has fulfilled all the requirements to be admitted to examination except the training hours requirement.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 15. Section 73-7-19, Mississippi Code of 1972, is amended as follows:

73-7-19. (1) Except as provided in Section 33-1-39, all licenses shall be renewed biennially under the fee schedule in Section 73-7-29. Applications for renewal of licenses for cosmetologists, estheticians, manicurists * * * and instructors must be accompanied by the required renewal fee. A grace period of sixty (60) days will be given in which to renew the license; and upon the expiration of the grace period of sixty (60) days, any applicant for the renewal of a license will be required to pay the required renewal fee and a delinquent fee in addition to the renewal fee. The fees may be paid by either personal or certified check, cash or money order, under such safeguards, rules and regulations as the board may prescribe. Checks returned to the board because of insufficient funds shall result in nonrenewal of the license, which will require the penalty fee for insufficient fund checks plus all other amounts due for renewal of the license before the license may be renewed. After one (1) year has passed from the expiration date of the license, a delinquent fee must be paid for each year up to three (3) years, after which the required examination must be taken. All applications for examination required by this chapter shall expire ninety (90) days from the date thereof.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 16. Section 73-7-21, Mississippi Code of 1972, is amended as follows:

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73-7-21. (1) The board shall admit to examination for a manicurist's license any person who has made application to the board in proper form, has paid the required fee, and who:

(a) Is at least seventeen (17) years of age;

(b) Can read, write and speak English;

(c) Has successfully completed no less than three hundred fifty (350) hours of practice and related theory in manicuring and pedicuring over a period of no less than nine (9) weeks in an accredited school of cosmetology in this or any other state; and

(d) Has a high school education or its equivalent.

(2) Licensed manicurists desiring to pursue additional hours to be eligible for a license as a cosmetologist may be credited with the three hundred fifty (350) hours acquired in studying and training to be a manicurist which may be applied to the number of hours required for a cosmetology license examination.

(3) The board shall adopt regulations governing the use of * * * electric nail files for the purpose of filing false or natural * * * nails.

(4) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 17. Section 73-7-23, Mississippi Code of 1972, as amended by Senate Bill No. 2419, 2013 Regular Session, is amended as follows:

73-7-23. (1) The board may, upon application, issue a license by reciprocity to any cosmetologist, esthetician * * * or manicurist * * * over the age of seventeen (17) years from any other state who has satisfactorily completed the required number of accredited hours in that state, provided the state board from which the applicant comes issues to cosmetologists, estheticians * * * or manicurists * * *, as the case may be, from the State of Mississippi a license under the same conditions. Applications must be accompanied by (a) proof satisfactory to the board that the required hours have been completed, and (b) the required reciprocity fee, which shall be paid to the board.

(2) An instructor from any other state may be qualified for a Mississippi instructor's * * * license upon presenting a valid

instructor's license and proof of a high school education or its equivalent, provided that the instructor (a) is not less than twenty-one (21) years of age, (* * *b) has * * * completed training equivalent to the State of Mississippi's training as provided in Section 73-7-15 or has three (3) years or more of experience as a licensed instructor prior to application, (* * *c) can read, write and speak English, * * * (* * *d) has completed twelve (12) semester hours in college courses approved by the board, and (e) has completed a minimum of five (5) continuing education hours in Mississippi board laws, rules and regulations. Such application must be accompanied by two (2) recent * * * passport photographs of the applicant. Applicants shall pay the required * * * license fee.

(3) An applicant for a Mississippi instructor's license by reciprocity who has not completed the college courses requirement at the time of application may apply for a one-time temporary teaching permit, which shall be valid for six (6) months and shall be nonrenewable. Such application must be accompanied by proof of enrollment in college course(s), required permit fee, two (2) recent passport photographs of the applicant and other documentation as required for application for a Mississippi instructor's license by reciprocity. Upon proof of completion of college courses and payment of the required license fee, a Mississippi instructor's license shall be issued.

(4) The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 1 of Senate Bill No. 2419, 2013 Regular Session.

SECTION 18. Section 73-7-25, Mississippi Code of 1972, is reenacted as follows:

73-7-25. Every demonstrator in the field of cosmetology shall, before making demonstrations in a salon or school, apply for and obtain a permit from the board. For such permit, which shall be for one (1) year, the required fee shall be paid to the board. This section shall be construed to apply to demonstrators in salons and schools.

SECTION 19. Section 73-7-27, Mississippi Code of 1972, is amended as follows:

73-7-27. (1) Any complaint may be filed with the board by a member or agent of the board or by any person charging

any licensee of the board with the commission of any of the offenses enumerated in subsection (2) of this section. Such complaint shall be in writing, signed by the accuser or accusers, and verified under oath, and such complaints shall be investigated as set forth in Section 73-7-7. If, after the investigation, the board through its administrative review agents determines that there is not substantial justification to believe that the accused licensee has committed any of the offenses enumerated, it may dismiss the complaint or may prepare a formal complaint proceeding against the licensee as hereinafter provided. When used with reference to any complaint filed against a licensee herein, the term "not substantial justification" means a complaint that is frivolous, groundless in fact or law, or vexatious, as determined by unanimous vote of the board. In the event of a dismissal, the person filing the accusation and the accused licensee shall be given written notice of the board's determination. If the board determines there is reasonable cause to believe the accused has committed any of those offenses, the secretary of the board shall give written notice of such determination to the accused licensee and set a day for a hearing as provided in subsection (3) of this section.

(2) The board shall have the power to revoke, suspend or refuse to issue or renew any license or certificate provided for in this chapter, and to fine, place on probation and/or otherwise discipline a student or licensee or holder of a certificate, upon proof that such person: (a) has not complied with or has violated any of the rules and regulations promulgated by the board; (b) has not complied with or has violated any of the sections of this chapter; (c) has committed fraud or dishonest conduct in the taking of the examination herein provided for; (d) has been convicted of a felony; (e) has committed grossly unprofessional or dishonest conduct; (f) is addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or occupations set forth in this chapter; (g) has advertised by means of knowingly false or deceptive statements; or (h) has failed to display the license or certificate issued to him or her as provided for in this chapter; or (i) has been convicted of violating any of the provisions of this chapter. A conviction of violating any of the provisions of this chapter shall be

grounds for automatic suspension of the license or certificate of such person.

(3) The board shall not revoke, suspend or refuse to issue or renew any license or certificate, or fine, place on probation or otherwise discipline any person in a disciplinary matter except after a hearing of which the applicant or licensee or holder of the certificate affected shall be given at least twenty (20) days' notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in the case of any other disciplinary action, the offense or offenses of which the licensee or holder of a certificate of registration is charged. Such notice may be served by mailing a copy thereof by United States first-class certified mail, postage prepaid, to the last-known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe.

(4) At such hearings, all witnesses shall be sworn by a member of the board, and stenographic notes of the proceedings shall be taken. Any party to the proceedings desiring it shall be furnished with a copy of such stenographic notes upon payment to the board of such fees as it shall prescribe, not exceeding, however, the actual costs of transcription.

(5) The board is hereby authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers. The process issued by the board shall extend to all parts of the state and such process shall be served by any person designated by the board for such service. The person serving such process shall receive such compensation as may be allowed by the board, not to exceed the fee prescribed by law for similar services. All witnesses who shall be subpoenaed, and who shall appear in any proceedings before the board, shall receive the same fees and mileage as allowed by law.

(6) Where in any proceeding before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify, or shall refuse to produce any books and papers, the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state, in the same manner as are enforced for the

attendance and testimony of witnesses in civil cases in the courts of this state.

(7) The board shall conduct the hearing in an orderly and continuous manner, granting continuances only when the ends of justice may be served. The board shall, within sixty (60) days after conclusion of the hearing, reduce its decision to writing and forward an attested true copy thereof to the last-known residence or business address of such applicant, licensee or holder of a certificate, by way of United States first-class certified mail, postage prepaid. Such applicant, licensee, holder of a certificate, or person aggrieved shall have the right of appeal from an adverse ruling, or order, or decision of the board to the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon forwarding notice of appeal to the board within thirty (30) days after the decision of the board is mailed in the manner here contemplated. An appeal will not be allowed in the event notice of appeal, together with the appeal bond hereinafter required, shall not have been forwarded to the board within the thirty-day period. Appeal shall be to the * * * Chancery Court of the First Judicial District of Hinds County, Mississippi * * *. The appeal shall thereupon be heard in due course by the court which shall review the record and make its determination thereon.

(8) The appellant shall, together with the notice of appeal, forward to and post with the board a satisfactory bond in the amount of Five Hundred Dollars (\$500.00) for the payment of any costs which may be adjudged against him.

(9) In the event of an appeal, the court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. If there is an appeal, such appeal may, in the discretion of and on motion to the chancery court, act as a supersedeas. However, any fine imposed by the board under the provisions of this chapter shall not take effect until after the time for appeal has expired, and an appeal of the imposition of such a fine shall act as a supersedeas.

(10) Any fine imposed by the board upon a licensee or holder of a certificate shall be in accordance with the following schedule:

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(a) For the first violation, a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for each violation.

(b) For the second and each subsequent violation, a fine of not less than One Hundred Dollars (\$100.00) nor more than Four Hundred Dollars (\$400.00) for each violation.

The power and authority of the board to impose such fines under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations.

(11) In addition to the reasons specified in subsection (2) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 20. Section 73-7-29, Mississippi Code of 1972, is reenacted as follows:

73-7-29. The State Board of Cosmetology shall assess fees in the following amounts and for the following purposes:

- | | |
|--|---------|
| (a) Initial license/renewal for cosmetologist, manicurist, esthetician, or wig specialist..... | \$50.00 |
| (b) Instructor initial license/renewal..... | 80.00 |
| (c) Master cosmetologist license/renewal..... | 70.00 |
| (d) Delinquent renewal penalty - cosmetologist, | |

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manicurist, esthetician, wig specialist and instructor..	50.00
There shall be no renewal fee for any licensee seventy (70) years of age or older.	
(e) Salon application and initial inspection.	85.00
(f) Salon reinspection.....	35.00
(g) Salon change of ownership or location, or both.....	85.00
(h) Salon renewal.....	60.00
(i) Salon delinquent renewal penalty.....	50.00
(j) Application and initial inspection for a new school.....	300.00
(k) New school reinspection.....	100.00
(l) School change of ownership.....	300.00
(m) School relocation.....	150.00
(n) School renewal.....	75.00
(o) School delinquent renewal penalty.....	100.00
(p) Duplicate license.....	10.00
(q) Penalty for insufficient fund checks.....	20.00
(r) Affidavit processing.....	15.00

The State Board of Cosmetology may charge additional fees for services which the board deems appropriate to carry out its intent and purpose. These additional fees shall not exceed the cost of rendering the service.

The board is fully authorized to make refunds of any deposits received by the board for services which are not rendered. Refunds will automatically be made on overpayment of fees. Refunds will be made on underpayments by written requests from applicants. If no request for refund is made within sixty (60) days, the fees will be forfeited.

SECTION 21. Section 73-7-31, Mississippi Code of 1972, is reenacted as follows:

73-7-31. Nothing in this chapter shall apply to:

(a) Hairdressing, manicuring or facial treatments given in the home to members of family or friends for which no charge is made.

(b) Persons whose practice is limited to the application of cosmetic products to another person in connection with the

sale, or attempted sale, of such products at retail, without compensation from such other person other than the regular retail price of such merchandise.

(c) Barbers, and nothing in this chapter shall affect the jurisdiction of the State Board of Barber Examiners.

(d) Persons engaged in the practice of hair braiding as defined in Section 73-7-71 who have completed the self-test part of the brochure on infection control techniques prepared by the State Department of Health and who keep the brochure and completed self-test available at the location at which the person is engaged in hair braiding.

SECTION 22. Section 73-7-33, Mississippi Code of 1972, is amended as follows:

73-7-33. In addition to the rules and regulations that may be prescribed and promulgated by the board under authority of this chapter, the following rules and regulations shall be observed:

Every establishment must be kept sanitary, including all utensils and equipment, must be well ventilated and properly lighted. Each salon must be provided with hot and cold running water. Electrical appliances must be properly installed and grounded.

Cosmetologists shall be allowed to wear any type of clothing or apparel while at work as long as such clothing or apparel is sanitary.

Cosmetologists shall be allowed to use any type of hair roller as long as they do so in a sanitary manner.

* * * Persons with a communicable disease or parasitic infection that is medically recognized to be a direct threat of transmission by the type of contact that practitioners have with clients are not to be permitted to practice in an establishment until their condition is no longer communicable under those circumstances. No work shall be performed on any patron having a visible disease unless the patron shall produce a certificate from a practicing physician stating that the patron is free from infectious, contagious or communicable disease. A cosmetologist's license does not authorize such person to treat or prescribe for an infectious, contagious or any other disease.

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A home salon must have a solid wall to the ceiling with an outside entrance, or if a door exists between the salon and the remainder of the house, the door must be kept closed at all times while service is being rendered.

SECTION 23. Section 73-7-35, Mississippi Code of 1972, is amended as follows:

73-7-35. (1) No person licensed pursuant to this chapter shall practice his or her profession except within the physical confines of a salon possessing and displaying a properly executed license issued pursuant to Section 73-7-17. However, this requirement shall not prevent a person from rendering his or her services to any person who may be confined to his or her home, a hospital, or other place as a result of illness, and cosmetologists shall be permitted to render their services to deceased persons away from their salons.

(2) No salon owner licensed pursuant to this chapter shall allow a cosmetologist, esthetician, or manicurist * * * to practice his/her profession in the salon without possessing a valid license issued pursuant to this chapter.

SECTION 24. Section 73-7-37, Mississippi Code of 1972, is amended as follows:

73-7-37. (1) The violation of any of the provisions of this chapter, including the use of fraudulent statements to obtain any benefits or privileges under this chapter or practicing one (1) of these professions without a license, shall constitute a misdemeanor, punishable in any court of competent jurisdiction at the seat of government, and any person or firm convicted of the violation of any of the provisions of this chapter shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). The court shall not be authorized to suspend or suspend the execution of the fine required under this section.

(2) If any person, firm or corporation violates any of the provisions of this chapter, the secretary of the board, upon direction of a majority of the board and in the name of the board, acting through the Attorney General or an attorney employed by the board, shall apply in * * * the Chancery Court of * * * the First Judicial District of Hinds County, Mississippi, for an order enjoining such violation or for an order enforcing compliance with the provisions of this chapter. Upon the filing of a verified petition in the

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* * * chancery court and after notice as provided under the Mississippi Rules of Civil Procedure, such court * * *, if satisfied by the sworn petition, by affidavit or otherwise, that such person has violated any of the provisions of this chapter, may issue an injunction without notice or bond, enjoining such continued violation and such injunction shall remain in force and effect until a final hearing. If at such hearing it is established that such person has violated or is violating any of the provisions of this chapter, the court may enter a decree permanently enjoining such violation or enforcing compliance with this chapter. In addition, the court may enter a judgment against such person for attorney's fees, court costs and the actual costs incurred by the board in investigating the actions of such person for which the board brought the suit for an injunction. In case of violation of any decree issued in compliance with this subsection, the court may punish the offender for contempt of court and the court shall proceed as in other cases.

(3) The proceedings in this section shall be in addition to and not in lieu of the other remedies and penalties provided in this chapter.

SECTION 25. Sections 73-7-51, 73-7-53, 73-7-55, 73-7-57, 73-7-59 and 73-7-61, Mississippi Code of 1972, relating to wig specialists and wig salons, are repealed.

SECTION 26. Section 73-7-71, Mississippi Code of 1972, is amended as follows:

73-7-71. (1) For the purpose of this section, the term "hair braiding" means the use of techniques that result in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding of the hair by hand or mechanical device, but does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair.

(2) No person shall engage in hair braiding for compensation in the State of Mississippi without first registering with the State Department of Health. The department may charge each registrant a fee of not more than Twenty-five Dollars (\$25.00) to cover the department's costs in registering the person and providing the person with the brochure prepared under subsection (3) of this section, which fee shall be uniform for all registrants. The purpose of this registration is only

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to maintain a listing of those persons who engage in hair braiding for compensation in the state, and does not authorize the department to license or regulate the practice of hair braiding in the state, except as provided in subsection (4) of this section.

(3) The State Department of Health shall develop and prepare a brochure containing information about infection control techniques that are appropriate for hair braiding in or outside of a salon setting. The brochure shall be made available through the department's website or by mail, upon request, for a fee to cover the department's mailing costs. The brochure shall contain a self-test with questions on the information contained in the brochure. For a person engaged in hair braiding to be exempt from the cosmetology licensure law, Section 73-7-1 et seq., the person shall complete the self-test part of the brochure and keep the brochure and completed self-test available at the location at which the person is engaged in hair braiding.

(4) Representatives of the department may visit any facility or premises in which hair braiding is performed at any time during business hours to determine if the brochure and completed self-test are available at the facility or premises.

(5) This section does not apply to cosmetologists, or barbers * * * licensed to practice in Mississippi in their respective fields.

SECTION 27. Section 73-7-63, Mississippi Code of 1972, is amended as follows:

73-7-63. Sections 73-7-1 through 73-7-37 * * *, which create the State Board of Cosmetology and prescribe its duties and powers, shall stand repealed as of July 1, * * * 2017.

SECTION 28. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1208

Description: Cosmetology Board; require to issue photo ID to licensees to display at place of employment.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 542

History of Actions:

1	01/21	(H) Referred To Public Health and Human Services
2	02/05	(H) Title Suff Do Pass Comm Sub
3	02/12	(H) Read the Third Time
4	02/14	(H) Committee Substitute Adopted
5	02/14	(H) Passed {Vote}
6	02/18	(H) Transmitted To Senate
7	02/20	(S) Referred To Public Health and Welfare
8	03/05	(S) Title Suff Do Pass As Amended
9	03/12	(S) Amended
10	03/12	(S) Passed As Amended {Vote}
11	03/13	(S) Returned For Concurrence
12	03/14	(H) Decline to Concur/Invite Conf
13	03/25	(H) Conferees Named Mims, Dixon, DeBar
14	03/26	(S) Conferees Named Kirby, Blount, Parks
15	03/30	(S) Conference Report Filed
16	03/30	(H) Conference Report Filed
17	04/01	(H) Conference Report Adopted {Vote}
18	04/02	(S) Conference Report Adopted {Vote}
19	04/08	(H) Enrolled Bill Signed
20	04/08	(S) Enrolled Bill Signed
21	04/25	Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

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Amendment Report for House Bill No. 1208

Conference Reports:

| Conference Report

Code Section: RA 073-0007-0011

----- Additional Information -----

House Committee: Public Health and Human Services

Senate Committee: Public Health and Welfare

Principal Author: Dixon

Title: AN ACT TO AMEND SECTION 73-7-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EACH LICENSE ISSUED BY THE STATE BOARD OF COSMETOLOGY SHALL CONTAIN A HEAD PHOTOGRAPH OF THE LICENSE HOLDER, THE PERSON'S NAME, AND THE TYPE OF LICENSE HELD BY THE PERSON; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1208

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Human Services

By: Representative Dixon

House Bill 1208

(As Sent to Governor)

AN ACT TO AMEND SECTION 73-7-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EACH LICENSE ISSUED BY THE STATE BOARD OF COSMETOLOGY SHALL CONTAIN A HEAD PHOTOGRAPH OF THE LICENSE HOLDER, THE PERSON'S NAME, AND THE TYPE OF LICENSE HELD BY THE PERSON; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-7-11, Mississippi Code of 1972, as reenacted by House Bill No. 1164, 2013 Regular Session, is amended as follows:

73-7-11. Each owner of a * * * license issued by the * * * board * * * under the provisions of this chapter * * * shall display * * * the license in a conspicuous place in his or her principal office, place of business or employment, at all times.

Each license shall contain a head photograph of the license holder, the person's name, and the type of license held by the person. The requirements of this section shall apply at the time of issuance of a new license or at the time of renewal of an existing license.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1216

Description: Commission on Marine Resources; authorize to consent to federal aid legislation to ensure continuation of federal funds for marine conservation.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 503

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (H) | Referred To Marine Resources |
| 2 | 02/05 | (H) | Title Suff Do Pass |
| 3 | 02/07 | (H) | Passed {Vote} |
| 4 | 02/08 | (H) | Transmitted To Senate |
| 5 | 02/19 | (S) | Referred To Ports and Marine Resources;
Accountability, Efficiency, Transparency |
| 6 | 03/04 | (S) | DR - TSDPAA: PI To AC |
| 7 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 8 | 03/07 | (S) | Amended |
| 9 | 03/07 | (S) | Passed As Amended {Vote} |
| 10 | 03/08 | (S) | Returned For Concurrence |
| 11 | 03/12 | (H) | Decline to Concur/Invite Conf |
| 12 | 03/25 | (H) | Conferees Named Eure, Guice, McLeod |
| 13 | 03/26 | (S) | Conferees Named Gollott, Wiggins, Jackson
(11th) |
| 14 | 03/30 | (S) | Conference Report Filed |
| 15 | 03/30 | (H) | Conference Report Filed |
| 16 | 04/01 | (H) | Conference Report Adopted {Vote} |
| 17 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 18 | 04/08 | (H) | Enrolled Bill Signed |
| 19 | 04/08 | (S) | Enrolled Bill Signed |
| 20 | 04/22 | | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1216

Conference Reports:

Conference Report

----- Additional Information -----

House Committee: Marine Resources

Senate Committee: Ports and Marine Resources, Accountability, Efficiency, Transparency

Principal Author: Eure

Additional Authors: Guice

Title: AN ACT TO PROVIDE THE STATE ASSENT TO FEDERAL AID LEGISLATION TO ENSURE THE CONSERVATION OF MARINE RESOURCES; TO PROVIDE THAT REVENUE FROM MARINE FISHING LICENSE SALES SHALL BE UNDER THE EXCLUSIVE CONTROL OF THE COMMISSION ON MARINE RESOURCES FOR THE SOLE USE OF THE MANAGEMENT OF THE STATE'S FISH AND MARINE RESOURCES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1216

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Marine Resources

By: Representatives Eure, Guice

House Bill 1216

(As Sent to Governor)

AN ACT TO PROVIDE THE STATE ASSENT TO FEDERAL AID LEGISLATION TO ENSURE THE CONSERVATION OF MARINE RESOURCES; TO PROVIDE THAT REVENUE FROM MARINE FISHING LICENSE SALES SHALL BE UNDER THE EXCLUSIVE CONTROL OF THE COMMISSION ON MARINE RESOURCES FOR THE SOLE USE OF THE MANAGEMENT OF THE STATE'S FISH AND MARINE RESOURCES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The State of Mississippi hereby assents to the provisions of the Pittman-Robertson Wildlife Restoration Act [16 USCS Section 699 et seq.] and the Dingell-Johnson Sport Fish Restoration Act [16 USCS Section 777 et seq.]. The Commission on Marine Resources may perform any acts as may be necessary to ensure the conservation of fish and marine life. Revenue from saltwater license sales shall be controlled only by the Department of Marine Resources and used only when exercising responsibilities specific to the management of the state's fish and marine resources for which the department has authority under state law.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 1231

Description: Truth in Sentencing Task Force; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 524

History of Actions:

- 1 01/21 (H) Referred To Corrections
- 2 01/30 (H) Title Suff Do Pass
- 3 02/01 (H) Passed {Vote}
- 4 02/04 (H) Transmitted To Senate
- 5 02/12 (S) Referred To Corrections
- 6 02/28 (S) Title Suff Do Pass As Amended
- 7 03/07 (S) Amended
- 8 03/07 (S) Passed As Amended {Vote}
- 9 03/08 (S) Returned For Concurrence
- 10 03/11 (H) Decline to Concur/Invite Conf
- 11 03/26 (H) Conferees Named Flaggs, Dickson, Snowden
- 12 03/30 (S) Conferees Named Jackson (32nd), Simmons
(12th), Tindell
- 13 03/31 (S) Conference Report Filed
- 14 03/31 (H) Conference Report Filed
- 15 04/01 (H) Conference Report Adopted {Vote}
- 16 04/03 (S) Conference Report Adopted {Vote}
- 17 04/09 (S) Enrolled Bill Signed
- 18 04/09 (H) Enrolled Bill Signed
- 19 04/23 Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1231

Conference Reports:

Conference Report

----- Additional Information -----

House Committee: Corrections

Senate Committee: Corrections

Principal Author: Snowden

Additional Authors: Dixon

Title: AN ACT TO CREATE THE CORRECTIONS AND CRIMINAL JUSTICE TASK FORCE TO STUDY THE DIVIDE BETWEEN THE STATE'S CORRECTIONS SYSTEM AND CRIMINAL JUSTICE SYSTEM; TO PROVIDE FOR THE MEMBERSHIP OF THE TASK FORCE; TO PRESCRIBE THE DUTIES OF THE TASK FORCE MEMBERS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Corrections

By: Representatives Snowden, Dixon

House Bill 1231

(As Sent to Governor)

AN ACT TO CREATE THE CORRECTIONS AND CRIMINAL JUSTICE TASK FORCE TO STUDY THE DIVIDE BETWEEN THE STATE'S CORRECTIONS SYSTEM AND CRIMINAL JUSTICE SYSTEM; TO PROVIDE FOR THE MEMBERSHIP OF THE TASK FORCE; TO PRESCRIBE THE DUTIES OF THE TASK FORCE MEMBERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is hereby created the Corrections and Criminal Justice Task Force to undertake a comprehensive review of the state's corrections system and criminal justice system. The task force shall be comprised of twenty-one (21) members, as follows:

(a) The Chairpersons of the Corrections Committees of the Senate and the House of Representatives or their designees;

(b) The Chairpersons of the Judiciary "B" Committees of the Senate and the House of Representatives or their designees;

(c) The Lieutenant Governor or a designee;

(d) The Speaker of the House of Representatives or a designee;

(e) The Commissioner of Corrections or a designee;

(f) The Attorney General or a designee;

(g) A state Supreme Court justice or Court of Appeals judge, appointed by the Chief Justice of the Supreme Court of Mississippi;

(h) A state circuit court judge who presides over a certified drug court, appointed by the Chief Justice of the Supreme Court of Mississippi;

(i) A state justice court judge, appointed by the Chief Justice of the Supreme Court of Mississippi;

(j) A state county court judge, appointed by the Chief Justice of the Supreme Court of Mississippi;

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(k) A county public defender, appointed by the Governor;

(l) The Director of the Capital Defense Counsel within the Office of the State Public Defender or a designee;

(m) A member of the Mississippi Sheriffs' Association appointed by its executive director;

(n) A district attorney or an assistant district attorney, appointed by the Attorney General;

(o) A member of the Mississippi Association of Supervisors, chosen by the Executive Director of the Mississippi Association of Supervisors;

(p) A member representing the Southern Poverty Law Center appointed by the Managing Attorney for Mississippi;

(q) A member of the Mississippi Association for Justice appointed by its executive committee president;

(r) A member of the Mississippi Association of Chiefs of Police appointed by its executive board president; and

(s) The President of the Mississippi Prosecutors Association or a designee.

(2) The appointed members of the task force must be appointed within thirty (30) days of the effective date of this act. The members shall be a part of the task force for the life of the task force. Any vacancy in the task force shall not affect its powers, but shall be filled in the same manner prescribed above. The task force shall hold its first meeting within sixty (60) days of the effective date of this act, on the call of the Commissioner of Corrections. At the first meeting, the task force shall elect from among its membership a permanent chairperson and any other officers, if any, determined to be necessary. A majority of the membership of the task force shall constitute a quorum, and shall meet at the call of the chairperson, or upon an affirmative vote of a majority of the task force. All members must be notified in writing of all meetings at least five (5) days before the date on which a meeting of the task force is scheduled.

(3) The task force shall study and make recommendations for improving the relationship between the corrections system and the criminal justice system in Mississippi. In making those recommendations, the task force shall:

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(a) Undertake a comprehensive review of all areas of the state's corrections system, including state, local and tribal governments' corrections practices and policies regarding sentencing guidelines;

(b) Review the total number of offender populations in Mississippi correctional facilities to determine which offenders receive or serve differing sentences for the same crimes, enumerating any discrepancies in sentencing for conviction of the same crimes and documenting the percentage of offenders whose sentence was a result of mandatory minimum sentencing;

(c) Make findings regarding such review and recommendations for changes in oversight, policies, practices and laws designed to prevent, deter and reduce crime and violence, reduce recidivism, improve cost-effectiveness and ensure the interests of justice at every step of the criminal justice system;

(d) Identify critical problems in the criminal justice system and assess the cost-effectiveness of the use of state and local funds in the criminal justice system;

(e) Consult with state, local and tribal government and nongovernmental leaders, including law enforcement officials, legislators, judges, court administrators, prosecutors, defense counsel, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals and corrections officials; and

(f) Conduct a comprehensive review of the drug court programs, intensive supervision programs and any other alternative incarceration programs utilized in the state and provide detailed recommendations regarding the appropriate funding to support those programs.

The Mississippi Department of Corrections shall provide appropriate staff support to assist the task force in carrying out its duties. The Commissioner of Corrections shall designate an appropriate employee to act as a point of contact for the provision of staff support to the task force. In addition, the task force may consult with employees of any state agency or department necessary to accomplish the task force's responsibilities under this section.

(4) The task force shall prepare and submit a final report that contains a detailed statement of findings, conclusions and recommendations of the task force to the Legislature, the Governor and to local and tribal governments by December 31, 2013. It is the intention of the Legislature that, given the importance of the matters before the task force, the task force should work toward unanimously supported findings and recommendations and the task force shall state the vote total for each recommendation contained in its report to the Legislature. The report submitted under this subsection shall be made available to the public.

The recommendations for improving the relationship between the corrections system and the criminal justice system in Mississippi may include proposals for specific statutory changes for improving the effectiveness of the criminal justice system and methods to foster cooperation among state agencies and between the state and local governments. The task force shall be abolished upon submission of the report to the Governor and the Legislature.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 1256

Description: State Auditor; revise provisions regarding organization and staffing of departments.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 545

History of Actions:

- | | | | |
|---|-------|-----|---|
| 1 | 01/21 | (H) | Referred To Appropriations |
| 2 | 02/05 | (H) | Title Suff Do Pass |
| 3 | 02/11 | (H) | Amended |
| 4 | 02/11 | (H) | Passed As Amended {Vote} |
| 5 | 02/13 | (H) | Transmitted To Senate |
| 6 | 02/15 | (S) | Referred To Accountability, Efficiency, |
- Transparency; Appropriations
- | | | | |
|----|-------|-----|--|
| 7 | 03/05 | (S) | DR - TSDPAA: AC To AP |
| 8 | 03/05 | (S) | Title Suff Do Pass As Amended |
| 9 | 03/12 | (S) | Amended |
| 10 | 03/12 | (S) | Passed As Amended {Vote} |
| 11 | 03/12 | (S) | Motion to Reconsider Entered |
| 12 | 03/14 | (S) | Motion to Reconsider Tabled |
| 13 | 03/14 | (S) | Returned For Concurrence |
| 14 | 03/26 | (H) | Decline to Concur/Invite Conf |
| 15 | 03/27 | (H) | Conferees Named Frierson, Read, Shows |
| 16 | 03/28 | (S) | Conferees Named Collins, Hale, Wilemon |
| 17 | 03/31 | (S) | Conference Report Filed |
| 18 | 03/31 | (H) | Conference Report Filed |
| 19 | 04/01 | (H) | Conference Report Adopted {Vote} |
| 20 | 04/01 | (H) | Motion to Reconsider Entered (Moak, |
- Frierson, Huddleston (15th))
- | | | | |
|----|-------|-----|----------------------------------|
| 21 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 22 | 04/03 | (H) | Motion to Reconsider Tabled |

2013 GENERAL LAWS OF MISSISSIPPI HB 1256

23 04/08 (H) Enrolled Bill Signed
24 04/08 (S) Enrolled Bill Signed
25 04/25 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1256

Conference Reports:

Conference Report

Code Section: A 007-0007-0203

----- **Additional Information** -----

House Committee: Appropriations

Senate Committee: Accountability, Efficiency, Transparency, Appropriations

Principal Author: Smith (39th)

Title: AN ACT TO AMEND SECTION 7-7-203, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISION OF LAW REGARDING THE ORGANIZATION OF THE OFFICE OF THE STATE AUDITOR; TO PROVIDE THAT THERE WILL BE A FINANCIAL AND COMPLIANCE DIVISION AND AN INVESTIGATIONS DIVISION, EACH WITH A DIRECTOR; TO PROVIDE THAT THE AUDITOR MAY APPOINT OR EMPLOY PROFESSIONALS AND ASSISTANTS, OR CONTRACT FOR SERVICES, AS NECESSARY TO CARRY OUT THE DUTIES OF THE AUDITOR; TO ELIMINATE THE REQUIREMENT THAT ADMINISTRATIVE, TECHNICAL AND PROFESSIONAL ASSISTANTS BE QUALIFIED UNDER A MERIT SYSTEM ESTABLISHED BY THE AUDITOR; TO DELETE THE RESTRICTION THAT THE AUDITOR MAY NOT DISCHARGE ANY EMPLOYEE COVERED BY THE MERIT SYSTEM, EXCEPT FOR CERTAIN ACTS COMMITTED IN VIOLATION OF THE MERIT SYSTEM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Appropriations

By: Representative Smith (39th)

House Bill 1256

(As Sent to Governor)

AN ACT TO AMEND SECTION 7-7-203, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISION OF LAW REGARDING THE ORGANIZATION OF THE OFFICE OF THE STATE AUDITOR; TO PROVIDE THAT THERE WILL BE A FINANCIAL AND COMPLIANCE DIVISION AND AN INVESTIGATIONS DIVISION, EACH WITH A DIRECTOR; TO PROVIDE THAT THE AUDITOR MAY APPOINT OR EMPLOY PROFESSIONALS AND ASSISTANTS, OR CONTRACT FOR SERVICES, AS NECESSARY TO CARRY OUT THE DUTIES OF THE AUDITOR; TO ELIMINATE THE REQUIREMENT THAT ADMINISTRATIVE, TECHNICAL AND PROFESSIONAL ASSISTANTS BE QUALIFIED UNDER A MERIT SYSTEM ESTABLISHED BY THE AUDITOR; TO DELETE THE RESTRICTION THAT THE AUDITOR MAY NOT DISCHARGE ANY EMPLOYEE COVERED BY THE MERIT SYSTEM, EXCEPT FOR CERTAIN ACTS COMMITTED IN VIOLATION OF THE MERIT SYSTEM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 7-7-203, Mississippi Code of 1972, is amended as follows:

7-7-203. The State Auditor shall appoint a director for the financial and compliance division and a director for the investigations division of the department * * *. The director of the financial and compliance division shall be a certified public accountant of recognized executive ability and thoroughly familiar with the laws of the state in relation to the financial administration of the public offices thereof. The director of the investigations division shall be a certified law enforcement officer of recognized executive ability and shall be thoroughly familiar with the laws of the state in relation to the financial administration of the public offices thereof.

The * * * State Auditor * * * may appoint deputy auditors; employ attorneys, certified public accountants and other assistants * * * ; or contract for any services necessary to carry out the provisions of this article * * *.

2013 GENERAL LAWS OF MISSISSIPPI HB 1256

SECTION 2. 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1266

Description: Energy; modify and update energy code under which DFA designs and constructs projects.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 539

History of Actions:

- 1 01/21 (H) Referred To Energy
- 2 02/05 (H) Title Suff Do Pass
- 3 02/07 (H) Passed {Vote}
- 4 02/08 (H) Transmitted To Senate
- 5 02/13 (S) Referred To Energy; Public Property
- 6 02/27 (S) DR - TSDPAA: EN To PP
- 7 03/04 (S) Title Suff Do Pass As Amended
- 8 03/07 (S) Amended
- 9 03/07 (S) Passed As Amended {Vote}
- 10 03/08 (S) Returned For Concurrence
- 11 03/14 (H) Decline to Concur/Invite Conf
- 12 03/25 (H) Conferees Named Cockerham, Staples, Boyd
- 13 03/29 (S) Conferees Named Burton, Ward, Butler (38th)
- 14 04/01 (S) Conference Report Filed
- 15 04/01 (H) Conference Report Filed
- 16 04/02 (H) Conference Report Adopted {Vote}
- 17 04/02 (S) Conference Report Adopted {Vote}
- 18 04/09 (S) Enrolled Bill Signed
- 19 04/09 (H) Enrolled Bill Signed
- 20 04/23 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1266

Conference Reports:

| Conference Report

Code Section: A 031-0011-0035

----- **Additional Information** -----

House Committee: Energy

Senate Committee: Energy, Public Property

Principal Author: Cockerham

Title: AN ACT TO AMEND SECTION 31-11-35, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH MAJOR FACILITY PROJECT TO BE DESIGNED AND CONSTRUCTED TO MEET OR EXCEED CERTAIN ENERGY STANDARDS OF THE AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS (ASHRAE) OR ANY MORE STRINGENT CODE ADOPTED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION, BUREAU OF BUILDING, GROUNDS AND REAL PROPERTY MANAGEMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Energy

By: Representative Cockerham

House Bill 1266
(As Sent to Governor)

AN ACT TO AMEND SECTION 31-11-35, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH MAJOR FACILITY PROJECT TO BE DESIGNED AND CONSTRUCTED TO MEET OR EXCEED CERTAIN ENERGY STANDARDS OF THE AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS (ASHRAE) OR ANY MORE STRINGENT CODE ADOPTED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION, BUREAU OF BUILDING, GROUNDS AND REAL PROPERTY MANAGEMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-11-35, Mississippi Code of 1972, is amended as follows:

31-11-35. (1) The Department of Finance and Administration shall adopt rules and regulations which:

(a) Optimize the energy performance of state-funded buildings throughout the state;

(b) Increase the demand for building and construction materials, finishes, furnishings and other products made in or incorporating materials produced in Mississippi;

(c) Improve environmental quality in this state by decreasing the discharge of pollutants from state-funded buildings;

(d) Conserve energy and utilize local and renewable energy sources;

(e) Protect and restore this state's natural resources by avoiding development of inappropriate state-funded building sites;

(f) Reduce the burden on public water supply and treatment by reducing potable water consumption; and

(g) Encourage obtaining ENERGY STAR designation from the United States Environmental Protection Agency to further demonstrate a building project's energy independence.

(2) Each major facility project shall be designed and constructed to meet or exceed the requirements of * * * ASHRAE 90.1-2010 or any more stringent code adopted by the Bureau of Building, Grounds and Real Property Management and the Department of Finance and Administration.

(3) In order to achieve sustainable building standards, construction projects may utilize a nationally recognized high performance environmental building rating system; provided, however, that any such rating system that uses a material or product-based credit system which is disadvantageous to materials or products manufactured or produced in Mississippi shall not be utilized. The Department of Finance and Administration shall designate rating systems which meet these criteria and may establish its own rating system.

(4) A nationally certified commissioning authority professional shall certify that the major facility project's systems for heating, ventilation, air conditioning, energy conservation and water conservation are installed and working properly to ensure that each major facility project performs according to the major facility project's overall environmental design intent and operational objectives.

(5) For purposes of this section, a major facility project shall mean either:

(a) A state-funded new construction building project which is:

(i) From July 1 through December 31, 2009, the project shall be larger than twenty thousand (20,000) gross square feet;

(ii) From January 1, 2010, through December 31, 2010, the project shall be larger than fifteen thousand (15,000) gross square feet;

(iii) From January 1, 2011, through December 31, 2011, the project shall be larger than ten thousand (10,000) gross square feet; and

(iv) From January 1, 2012, and thereafter, the project shall be larger than five thousand (5,000) gross square feet
* * *.

(b) A state-funded renovation project which involves more than fifty percent (50%) of the replacement value of the facility where compliance is cost-effective and practical.

(6) A major facility project shall not mean a building, regardless of size, which does not have conditioned space as defined by Standard 90.1 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers.

(7) For purposes of this section, a "major facility project" shall include, but not be limited to, the construction or renovation of buildings that are financed, in whole or in part, through the use of a community development block grant.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1281

Description: Energy efficiency standards; revise for commercial buildings.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 536

History of Actions:

1	01/21	(H)	Referred To Energy
2	02/05	(H)	Title Suff Do Pass Comm Sub
3	02/07	(H)	Committee Substitute Adopted
4	02/07	(H)	Amended
5	02/07	(H)	Passed As Amended {Vote}
6	02/12	(H)	Transmitted To Senate
7	02/13	(S)	Referred To Energy
8	02/27	(S)	Title Suff Do Pass
9	03/07	(S)	Amended
10	03/07	(S)	Passed As Amended {Vote}
11	03/08	(S)	Returned For Concurrence
12	03/14	(H)	Decline to Concur/Invite Conf
13	03/25	(H)	Conferees Named Cockerham, Ellis, Busby
14	03/29	(S)	Conferees Named Burton, Ward, Sojourner
15	04/01	(S)	Conference Report Filed
16	04/01	(H)	Conference Report Filed
17	04/02	(S)	Conference Report Adopted {Vote}
18	04/02	(H)	Conference Report Adopted {Vote}
19	04/09	(S)	Enrolled Bill Signed
20	04/09	(H)	Enrolled Bill Signed
21	04/23		Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub) ***Adopted*** Voice Vote

[S] Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for House Bill No. 1281

Conference Reports:

| Conference Report

Code Section: A 057-0039-0021

----- **Additional Information** -----

House Committee: Energy

Senate Committee: Energy

Principal Author: Cockerham

Title: AN ACT TO AMEND SECTION 57-39-21, MISSISSIPPI CODE OF 1972, TO REVISE THE ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL BUILDINGS; TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT HAVE ENFORCEMENT AUTHORITY OVER THIS SECTION OF LAW; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1281

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Energy

By: Representative Cockerham

House Bill 1281

(As Sent to Governor)

AN ACT TO AMEND SECTION 57-39-21, MISSISSIPPI CODE OF 1972, TO REVISE THE ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL BUILDINGS; TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT HAVE ENFORCEMENT AUTHORITY OVER THIS SECTION OF LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-39-21, Mississippi Code of 1972, is amended as follows:

57-39-21. (1) The board, in consultation with other appropriate professional groups and organizations, and others knowledgeable in the subject, shall * * * review, amend and adopt, in accordance with Standard 90.1-2010 of the American Society of Heating, Refrigeration and Air-Conditioning Engineers, energy code standards for building construction, standards for computer-based energy management systems, standards for systems for cogeneration of heating, cooling and electricity, and standards for design to use passive solar energy concepts, in order to promote the efficient use of energy. * * * For the purposes of this section, "building" shall mean any structure which includes provisions for a heating or cooling system, or both, or for a hot water system, except exempted buildings. Unless it is an exempted building, each of the following * * * are examples of building s, within the meaning of this section:

(a) Any building which provides facilities or shelter for public assembly, or which is used for educational, office or institutional purposes;

(b) Any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant or other commercial establishment which provides * * * service or * * * retail merchandise;

(c) Any portion of an industrial plant building used primarily as office space; and

(d) Any building owned by a state or political subdivision or instrumentality thereof, including libraries, museums, schools, hospitals, auditoriums, sports arenas and university buildings.

(2) Exempt buildings shall include:

(a) Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four-tenths (3.4) British thermal units per hour per square foot or one (1.0) watt per square foot of floor area for all purposes;

(b) Buildings and structures or portions thereof which are neither heated nor cooled by fuel;

(c) Any mobile home;

(d) Any privately owned, noncommercial building or structure whose construction, heating, cooling or lighting arrangement is not in conflict with federal law;

(e) Any building owned or leased, in whole or in part, by the United States Government.

* * *

(* * *3) Beginning July 1, * * * 2013, the design, direction, construction and alteration of any building for which the standards promulgated pursuant to subsection (1) of this section* * * applies shall be accomplished so that the building or applicable portions thereof shall meet or conform to* * * the standards. The board shall not have enforcement over this section. Local governing authorities shall adopt rules and regulations for the administration and enforcement of this section, and to adopt such penalties for violation of this section as they deem appropriate, except in regard to buildings owned by the state. In state-owned buildings, the building commission shall provide for the compliance with the standards adopted under this chapter. Local governing authorities are authorized to adopt rules and regulations as developed and promulgated by the commission for the administration and enforcement of these standards and to adopt such penalties for violations of the standards as they deem appropriate. Local governing authorities are authorized to establish an inspection fee for the inspection of thermal and lighting standards in an amount not to exceed * * * One Hundred Fifty Dollars (\$150.00).

2013 GENERAL LAWS OF MISSISSIPPI HB 1281

(4) This section shall stand repealed from and after July 1, 2016.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

Mississippi Legislature 2013 Regular Session

House Bill 1293

Description: Public purchasing; limit exemption from bidding for purchases of prison industry products to purchases by Dept. of Corrections.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 519

History of Actions:

- | | | |
|----|-------|--|
| 1 | 01/21 | (H) Referred To S.C. Accountblty/Efficiency/
Transparency |
| 2 | 01/30 | (H) Title Suff Do Pass |
| 3 | 02/12 | (H) Passed {Vote} |
| 4 | 02/13 | (H) Transmitted To Senate |
| 5 | 02/15 | (S) Referred To Accountability, Efficiency,
Transparency |
| 6 | 02/28 | (S) Title Suff Do Pass As Amended |
| 7 | 03/13 | (S) Amended |
| 8 | 03/13 | (S) Passed As Amended {Vote} |
| 9 | 03/14 | (S) Returned For Concurrence |
| 10 | 03/18 | (H) Decline to Concur/Invite Conf |
| 11 | 03/25 | (H) Conferees Named Turner,Arnold,Haney |
| 12 | 03/27 | (S) Conferees Named Collins,Brown,Jackson
(32nd) |
| 13 | 03/31 | (S) Conference Report Filed |
| 14 | 03/31 | (H) Conference Report Filed |
| 15 | 04/01 | (H) Conference Report Adopted {Vote} |
| 16 | 04/02 | (S) Conference Report Adopted {Vote} |
| 17 | 04/08 | (H) Enrolled Bill Signed |
| 18 | 04/08 | (S) Enrolled Bill Signed |
| 19 | 04/23 | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1293
Conference Reports:
| Conference Report

Code Section: A 031-0007-0013

----- **Additional Information** -----

House Committee: S.C. Accountblty/Efficiency/Transparency

Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Weathersby

Additional Authors: Turner

Title: AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2073 AND HOUSE BILL NO. 524, 2013 REGULAR SESSION, TO LIMIT THE EXEMPTION FROM BIDDING REQUIREMENTS UNDER THE PUBLIC PURCHASING LAWS FOR PURCHASES INVOLVING ITEMS FROM THE STATE'S PRISON INDUSTRIES TO PURCHASES MADE BY THE MISSISSIPPI DEPARTMENT OF CORRECTIONS, REGIONAL CORRECTIONAL FACILITIES OR PRIVATELY OWNED PRISONS, AND NOT BY OTHER STATE AGENCIES AND GOVERNING AUTHORITIES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: S.C. Accountblty/Efficiency/Transparency

By: Representatives Weathersby, Turner

House Bill 1293

(As Sent to Governor)

AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2073 AND HOUSE BILL NO. 524, 2013 REGULAR SESSION, TO LIMIT THE EXEMPTION FROM BIDDING REQUIREMENTS UNDER THE PUBLIC PURCHASING LAWS FOR PURCHASES INVOLVING ITEMS FROM THE STATE'S PRISON INDUSTRIES TO PURCHASES MADE BY THE MISSISSIPPI DEPARTMENT OF CORRECTIONS, REGIONAL CORRECTIONAL FACILITIES OR PRIVATELY OWNED PRISONS, AND NOT BY OTHER STATE AGENCIES AND GOVERNING AUTHORITIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-7-13, Mississippi Code of 1972, as amended by Senate Bill No. 2073 and House Bill No. 524, 2013 Regular Session, is amended as follows:

31-7-13. All agencies and governing authorities shall purchase their commodities and printing; contract for garbage collection or disposal; contract for solid waste collection or disposal; contract for sewage collection or disposal; contract for public construction; and contract for rentals as herein provided.

(a) **Bidding procedure for purchases not over \$5,000.00.** Purchases which do not involve an expenditure of more than Five Thousand Dollars (\$5,000.00), exclusive of freight or shipping charges, may be made without advertising or otherwise requesting competitive bids. However, nothing contained in this paragraph (a) shall be construed to prohibit any agency or governing authority from establishing procedures which require competitive bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

(b) **Bidding procedure for purchases over \$5,000.00 but not over \$50,000.00.** Purchases which involve an expenditure of more than Five Thousand Dollars (\$5,000.00) but not more than Fifty Thousand Dollars (\$50,000.00), exclusive of freight and shipping charges may be made from the lowest and

best bidder without publishing or posting advertisement for bids, provided at least two (2) competitive written bids have been obtained. Any state agency or community/junior college purchasing commodities or procuring construction pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, to accept the lowest competitive written bid under Fifty Thousand Dollars (\$50,000.00). Any governing authority purchasing commodities pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, with regard to governing authorities other than counties, or its purchase clerk, or his designee, with regard to counties, to accept the lowest and best competitive written bid. Such authorization shall be made in writing by the governing authority and shall be maintained on file in the primary office of the agency and recorded in the official minutes of the governing authority, as appropriate. The purchasing agent or the purchase clerk, or their designee, as the case may be, and not the governing authority, shall be liable for any penalties and/or damages as may be imposed by law for any act or omission of the purchasing agent or purchase clerk, or their designee, constituting a violation of law in accepting any bid without approval by the governing authority. The term "competitive written bid" shall mean a bid submitted on a bid form furnished by the buying agency or governing authority and signed by authorized personnel representing the vendor, or a bid submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor. "Competitive" shall mean that the bids are developed based upon comparable identification of the needs and are developed independently and without knowledge of other bids or prospective bids. Any bid item for construction in excess of Five Thousand Dollars (\$5,000.00) shall be broken down by components to provide detail of component description and pricing. These details shall be submitted with the written bids and become part of the bid evaluation criteria. Bids may be submitted by facsimile, electronic mail or other generally accepted method of information distribution. Bids submitted by electronic transmission shall not require the signature of the vendor's representative unless required by agencies or governing authorities.

(c) **Bidding procedure for purchases over \$50,000.00.**

(i) **Publication requirement.**

1. Purchases which involve an expenditure of more than Fifty Thousand Dollars (\$50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder after advertising for competitive bids once each week for two (2) consecutive weeks in a regular newspaper published in the county or municipality in which such agency or governing authority is located. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid. All references to American Recovery and Reinvestment Act projects in this section shall not apply to programs identified in Division B of the American Recovery and Reinvestment Act.

2. The purchasing entity may designate the method by which the bids will be received, including, but not limited to, bids sealed in an envelope, bids received electronically in a secure system, bids received via a reverse auction, or bids received by any other method that promotes open competition and has been approved by the Office of Purchasing and Travel. However, reverse auction shall not be used for any public contract for design or construction of public facilities, including buildings, roads and bridges.

3. The date as published for the bid opening shall not be less than seven (7) working days after the last published notice; however, if the purchase involves a construction project in which the estimated cost is in excess of Fifty Thousand Dollars (\$50,000.00), such bids shall not be opened in less than fifteen (15) working days after the last notice is published and the notice for the purchase of such construction shall be published once each week for two (2) consecutive weeks. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid. For any projects in excess of Twenty-five Thousand Dollars (\$25,000.00) under the American Recovery and Reinvestment Act, publication shall be made one (1) time and the bid opening for construction projects shall not be less than ten (10) working days after the date of the published notice. The notice of intention to let contracts or purchase equipment shall state the time and place at which bids shall be received, list the contracts to be made or types of equipment or supplies to be purchased, and, if all plans and/or specifications are not published, refer to the plans and/or specifications on file. If there is no newspaper published in the county or municipality, then such notice

shall be given by posting same at the courthouse, or for municipalities at the city hall, and at two (2) other public places in the county or municipality, and also by publication once each week for two (2) consecutive weeks in some newspaper having a general circulation in the county or municipality in the above-provided manner. On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall mail written notice to, or provide electronic notification to the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice. Submissions received by the Mississippi Procurement Technical Assistance Program for projects funded by the American Recovery and Reinvestment Act shall be displayed on a separate and unique Internet Web page accessible to the public and maintained by the Mississippi Development Authority for the Mississippi Procurement Technical Assistance Program. Those American Recovery and Reinvestment Act related submissions shall be publicly posted within twenty-four (24) hours of receipt by the Mississippi Development Authority and the bid opening shall not occur until the submission has been posted for ten (10) consecutive days. The Department of Finance and Administration shall maintain information regarding contracts and other expenditures from the American Recovery and Reinvestment Act, on a unique Internet Web page accessible to the public. The Department of Finance and Administration shall promulgate rules regarding format, content and deadlines, unless otherwise specified by law, of the posting of award notices, contract execution and subsequent amendments, links to the contract documents, expenditures against the awarded contracts and general expenditures of funds from the American Recovery and Reinvestment Act. Within one (1) working day of the contract award, the agency or governing authority shall post to the designated Web page maintained by the Department of Finance and Administration, notice of the award, including the award recipient, the contract amount, and a brief summary of the contract in accordance with rules promulgated by the department. Within one (1) working day of the contract execution, the agency or governing authority shall post to the designated Web page maintained by the Department of Finance and Administration a summary of the executed contract and make a copy of the appropriately redacted contract documents

available for linking to the designated Web page in accordance with the rules promulgated by the department. The information provided by the agency or governing authority shall be posted to the Web page for the duration of the American Recovery and Reinvestment Act funding or until the project is completed, whichever is longer.

(ii) **Bidding process amendment procedure.** If all plans and/or specifications are published in the notification, then the plans and/or specifications may not be amended. If all plans and/or specifications are not published in the notification, then amendments to the plans/specifications, bid opening date, bid opening time and place may be made, provided that the agency or governing authority maintains a list of all prospective bidders who are known to have received a copy of the bid documents and all such prospective bidders are sent copies of all amendments. This notification of amendments may be made via mail, facsimile, electronic mail or other generally accepted method of information distribution. No addendum to bid specifications may be issued within two (2) working days of the time established for the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) working days after the date of the addendum.

(iii) **Filing requirement.** In all cases involving governing authorities, before the notice shall be published or posted, the plans or specifications for the construction or equipment being sought shall be filed with the clerk of the board of the governing authority. In addition to these requirements, a bid file shall be established which shall indicate those vendors to whom such solicitations and specifications were issued, and such file shall also contain such information as is pertinent to the bid.

(iv) **Specification restrictions.**

1. Specifications pertinent to such bidding shall be written so as not to exclude comparable equipment of domestic manufacture. However, if valid justification is presented, the Department of Finance and Administration or the board of a governing authority may approve a request for specific equipment necessary to perform a specific job. Further, such justification, when placed on the minutes of the board of a governing authority, may serve as authority for that governing authority to write specifications to require a specific item of equipment needed to perform a specific job. In addition to

these requirements, from and after July 1, 1990, vendors of relocatable classrooms and the specifications for the purchase of such relocatable classrooms published by local school boards shall meet all pertinent regulations of the State Board of Education, including prior approval of such bid by the State Department of Education.

2. Specifications for construction projects may include an allowance for commodities, equipment, furniture, construction materials or systems in which prospective bidders are instructed to include in their bids specified amounts for such items so long as the allowance items are acquired by the vendor in a commercially reasonable manner and approved by the agency/governing authority. Such acquisitions shall not be made to circumvent the public purchasing laws.

(v) Agencies and governing authorities may establish secure procedures by which bids may be submitted via electronic means.

(d) Lowest and best bid decision procedure.

(i) **Decision procedure.** Purchases may be made from the lowest and best bidder. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(ii) **Decision procedure for Certified Purchasing Offices.** In addition to the decision procedure set forth in paragraph (d)(i), Certified Purchasing Offices may also use the following procedure: Purchases may be made from the bidder offering the best value. In determining the best value bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions, documented previous experience, training costs and other relevant provisions, including, but not limited

to, a bidder having a local office and inventory located within the jurisdiction of the governing authority, may be included in the best value calculation. This provision shall authorize Certified Purchasing Offices to utilize a Request For Proposals (RFP) process when purchasing commodities. All best value procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. No agency or governing authority shall accept a bid based on items or criteria not included in the specifications.

(iii) **Decision procedure for Mississippi Landmarks.** In addition to the decision procedure set forth in paragraph (d) (i), where purchase involves renovation, restoration, or both, of the State Capitol Building or any other historical building designated for at least five (5) years as a Mississippi Landmark by the Board of Trustees of the Department of Archives and History under the authority of Sections 39-7-7 and 39-7-11, the agency or governing authority may use the following procedure: Purchases may be made from the lowest and best prequalified bidder. Prequalification of bidders shall be determined not less than fifteen (15) working days before the first published notice of bid opening. Prequalification criteria shall be limited to bidder's knowledge and experience in historical restoration, preservation and renovation. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid and prequalification procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(iv) **Construction project negotiations authority.** If the lowest and best bid is not more than ten percent (10%) above the amount of funds allocated for a public construction or renovation project, then the agency or governing authority shall be permitted to negotiate with the lowest bidder in

order to enter into a contract for an amount not to exceed the funds allocated.

(e) **Lease-purchase authorization.** For the purposes of this section, the term "equipment" shall mean equipment, furniture and, if applicable, associated software and other applicable direct costs associated with the acquisition. Any lease-purchase of equipment which an agency is not required to lease-purchase under the master lease-purchase program pursuant to Section 31-7-10 and any lease-purchase of equipment which a governing authority elects to lease-purchase may be acquired by a lease-purchase agreement under this paragraph (e). Lease-purchase financing may also be obtained from the vendor or from a third-party source after having solicited and obtained at least two (2) written competitive bids, as defined in paragraph (b) of this section, for such financing without advertising for such bids. Solicitation for the bids for financing may occur before or after acceptance of bids for the purchase of such equipment or, where no such bids for purchase are required, at any time before the purchase thereof. No such lease-purchase agreement shall be for an annual rate of interest which is greater than the overall maximum interest rate to maturity on general obligation indebtedness permitted under Section 75-17-101, and the term of such lease-purchase agreement shall not exceed the useful life of equipment covered thereby as determined according to the upper limit of the asset depreciation range (ADR) guidelines for the Class Life Asset Depreciation Range System established by the Internal Revenue Service pursuant to the United States Internal Revenue Code and regulations thereunder as in effect on December 31, 1980, or comparable depreciation guidelines with respect to any equipment not covered by ADR guidelines. Any lease-purchase agreement entered into pursuant to this paragraph (e) may contain any of the terms and conditions which a master lease-purchase agreement may contain under the provisions of Section 31-7-10(5), and shall contain an annual allocation dependency clause substantially similar to that set forth in Section 31-7-10(8). Each agency or governing authority entering into a lease-purchase transaction pursuant to this paragraph (e) shall maintain with respect to each such lease-purchase transaction the same information as required to be maintained by the Department of Finance and Administration pursuant to Section 31-7-10(13). However, nothing contained in this section shall be construed to permit agencies to

acquire items of equipment with a total acquisition cost in the aggregate of less than Ten Thousand Dollars (\$10,000.00) by a single lease-purchase transaction. All equipment, and the purchase thereof by any lessor, acquired by lease-purchase under this paragraph and all lease-purchase payments with respect thereto shall be exempt from all Mississippi sales, use and ad valorem taxes. Interest paid on any lease-purchase agreement under this section shall be exempt from State of Mississippi income taxation.

(f) **Alternate bid authorization.** When necessary to ensure ready availability of commodities for public works and the timely completion of public projects, no more than two (2) alternate bids may be accepted by a governing authority for commodities. No purchases may be made through use of such alternate bids procedure unless the lowest and best bidder cannot deliver the commodities contained in his bid. In that event, purchases of such commodities may be made from one (1) of the bidders whose bid was accepted as an alternate.

(g) **Construction contract change authorization.** In the event a determination is made by an agency or governing authority after a construction contract is let that changes or modifications to the original contract are necessary or would better serve the purpose of the agency or the governing authority, such agency or governing authority may, in its discretion, order such changes pertaining to the construction that are necessary under the circumstances without the necessity of further public bids; provided that such change shall be made in a commercially reasonable manner and shall not be made to circumvent the public purchasing statutes. In addition to any other authorized person, the architect or engineer hired by an agency or governing authority with respect to any public construction contract shall have the authority, when granted by an agency or governing authority, to authorize changes or modifications to the original contract without the necessity of prior approval of the agency or governing authority when any such change or modification is less than one percent (1%) of the total contract amount. The agency or governing authority may limit the number, manner or frequency of such emergency changes or modifications.

(h) **Petroleum purchase alternative.** In addition to other methods of purchasing authorized in this chapter, when any agency or governing authority shall have a need for gas,

diesel fuel, oils and/or other petroleum products in excess of the amount set forth in paragraph (a) of this section, such agency or governing authority may purchase the commodity after having solicited and obtained at least two (2) competitive written bids, as defined in paragraph (b) of this section. If two (2) competitive written bids are not obtained, the entity shall comply with the procedures set forth in paragraph (c) of this section. In the event any agency or governing authority shall have advertised for bids for the purchase of gas, diesel fuel, oils and other petroleum products and coal and no acceptable bids can be obtained, such agency or governing authority is authorized and directed to enter into any negotiations necessary to secure the lowest and best contract available for the purchase of such commodities.

(i) Road construction petroleum products price adjustment clause authorization. Any agency or governing authority authorized to enter into contracts for the construction, maintenance, surfacing or repair of highways, roads or streets, may include in its bid proposal and contract documents a price adjustment clause with relation to the cost to the contractor, including taxes, based upon an industry-wide cost index, of petroleum products including asphalt used in the performance or execution of the contract or in the production or manufacture of materials for use in such performance. Such industry-wide index shall be established and published monthly by the Mississippi Department of Transportation with a copy thereof to be mailed, upon request, to the clerks of the governing authority of each municipality and the clerks of each board of supervisors throughout the state. The price adjustment clause shall be based on the cost of such petroleum products only and shall not include any additional profit or overhead as part of the adjustment. The bid proposals or document contract shall contain the basis and methods of adjusting unit prices for the change in the cost of such petroleum products.

(j) State agency emergency purchase procedure. If the governing board or the executive head, or his designee, of any agency of the state shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the provisions herein for competitive bidding shall not apply and the head of such agency shall be

authorized to make the purchase or repair. Total purchases so made shall only be for the purpose of meeting needs created by the emergency situation. In the event such executive head is responsible to an agency board, at the meeting next following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be presented to the board and placed on the minutes of the board of such agency. The head of such agency, or his designee, shall, at the earliest possible date following such emergency purchase, file with the Department of Finance and Administration (i) a statement explaining the conditions and circumstances of the emergency, which shall include a detailed description of the events leading up to the situation and the negative impact to the entity if the purchase is made following the statutory requirements set forth in paragraph (a), (b) or (c) of this section, and (ii) a certified copy of the appropriate minutes of the board of such agency, if applicable.

(k) Governing authority emergency purchase procedure.

If the governing authority, or the governing authority acting through its designee, shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the governing authority, then the provisions herein for competitive bidding shall not apply and any officer or agent of such governing authority having general or special authority therefor in making such purchase or repair shall approve the bill presented therefor, and he shall certify in writing thereon from whom such purchase was made, or with whom such a repair contract was made. At the board meeting next following the emergency purchase or repair contract, documentation of the purchase or repair contract, including a description of the commodity purchased, the price thereof and the nature of the emergency shall be presented to the board and shall be placed on the minutes of the board of such governing authority.

(l) Hospital purchase, lease-purchase and lease authorization.

(i) The commissioners or board of trustees of any public hospital may contract with such lowest and best bidder for the purchase or lease-purchase of any commodity under

a contract of purchase or lease-purchase agreement whose obligatory payment terms do not exceed five (5) years.

(ii) In addition to the authority granted in subparagraph (i) of this paragraph (1), the commissioners or board of trustees is authorized to enter into contracts for the lease of equipment or services, or both, which it considers necessary for the proper care of patients if, in its opinion, it is not financially feasible to purchase the necessary equipment or services. Any such contract for the lease of equipment or services executed by the commissioners or board shall not exceed a maximum of five (5) years' duration and shall include a cancellation clause based on unavailability of funds. If such cancellation clause is exercised, there shall be no further liability on the part of the lessee. Any such contract for the lease of equipment or services executed on behalf of the commissioners or board that complies with the provisions of this subparagraph (ii) shall be excepted from the bid requirements set forth in this section.

(m) **Exceptions from bidding requirements.** Excepted from bid requirements are:

(i) **Purchasing agreements approved by department.** Purchasing agreements, contracts and maximum price regulations executed or approved by the Department of Finance and Administration.

(ii) **Outside equipment repairs.** Repairs to equipment, when such repairs are made by repair facilities in the private sector; however, engines, transmissions, rear axles and/or other such components shall not be included in this exemption when replaced as a complete unit instead of being repaired and the need for such total component replacement is known before disassembly of the component; however, invoices identifying the equipment, specific repairs made, parts identified by number and name, supplies used in such repairs, and the number of hours of labor and costs therefor shall be required for the payment for such repairs.

(iii) **In-house equipment repairs.** Purchases of parts for repairs to equipment, when such repairs are made by personnel of the agency or governing authority; however, entire assemblies, such as engines or transmissions, shall not be included in this exemption when the entire assembly is being replaced instead of being repaired.

(iv) **Raw gravel or dirt.** Raw unprocessed deposits of gravel or fill dirt which are to be removed and transported by the purchaser.

(v) **Governmental equipment auctions.** Motor vehicles or other equipment purchased from a federal agency or authority, another governing authority or state agency of the State of Mississippi, or any governing authority or state agency of another state at a public auction held for the purpose of disposing of such vehicles or other equipment. Any purchase by a governing authority under the exemption authorized by this subparagraph (v) shall require advance authorization spread upon the minutes of the governing authority to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(vi) **Intergovernmental sales and transfers.** Purchases, sales, transfers or trades by governing authorities or state agencies when such purchases, sales, transfers or trades are made by a private treaty agreement or through means of negotiation, from any federal agency or authority, another governing authority or state agency of the State of Mississippi, or any state agency or governing authority of another state. Nothing in this section shall permit such purchases through public auction except as provided for in subparagraph (v) of this section. It is the intent of this section to allow governmental entities to dispose of and/or purchase commodities from other governmental entities at a price that is agreed to by both parties. This shall allow for purchases and/or sales at prices which may be determined to be below the market value if the selling entity determines that the sale at below market value is in the best interest of the taxpayers of the state. Governing authorities shall place the terms of the agreement and any justification on the minutes, and state agencies shall obtain approval from the Department of Finance and Administration, prior to releasing or taking possession of the commodities.

(vii) **Perishable supplies or food.** Perishable supplies or food purchased for use in connection with hospitals, the school lunch programs, homemaking programs and for the feeding of county or municipal prisoners.

(viii) **Single source items.** Noncompetitive items available from one (1) source only. In connection with the

purchase of noncompetitive items only available from one (1) source, a certification of the conditions and circumstances requiring the purchase shall be filed by the agency with the Department of Finance and Administration and by the governing authority with the board of the governing authority. Upon receipt of that certification the Department of Finance and Administration or the board of the governing authority, as the case may be, may, in writing, authorize the purchase, which authority shall be noted on the minutes of the body at the next regular meeting thereafter. In those situations, a governing authority is not required to obtain the approval of the Department of Finance and Administration.

(ix) Waste disposal facility construction contracts.

Construction of incinerators and other facilities for disposal of solid wastes in which products either generated therein, such as steam, or recovered therefrom, such as materials for recycling, are to be sold or otherwise disposed of; however, in constructing such facilities, a governing authority or agency shall publicly issue requests for proposals, advertised for in the same manner as provided herein for seeking bids for public construction projects, concerning the design, construction, ownership, operation and/or maintenance of such facilities, wherein such requests for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, environmental compatibility, legal responsibilities and such other matters as are determined by the governing authority or agency to be appropriate for inclusion; and after responses to the request for proposals have been duly received, the governing authority or agency may select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter contracts with one or more of the persons or firms submitting proposals.

(x) Hospital group purchase contracts. Supplies, commodities and equipment purchased by hospitals through group purchase programs pursuant to Section 31-7-38.

(xi) Information technology products. Purchases of information technology products made by governing authorities under the provisions of purchase schedules, or contracts executed or approved by the Mississippi Department of

Information Technology Services and designated for use by governing authorities.

(xii) **Energy efficiency services and equipment.** Energy efficiency services and equipment acquired by school districts, community and junior colleges, institutions of higher learning and state agencies or other applicable governmental entities on a shared-savings, lease or lease-purchase basis pursuant to Section 31-7-14.

(xiii) **Municipal electrical utility system fuel.** Purchases of coal and/or natural gas by municipally owned electric power generating systems that have the capacity to use both coal and natural gas for the generation of electric power.

(xiv) **Library books and other reference materials.** Purchases by libraries or for libraries of books and periodicals; processed film, video cassette tapes, filmstrips and slides; recorded audio tapes, cassettes and diskettes; and any such items as would be used for teaching, research or other information distribution; however, equipment such as projectors, recorders, audio or video equipment, and monitor televisions are not exempt under this subparagraph.

(xv) **Unmarked vehicles.** Purchases of unmarked vehicles when such purchases are made in accordance with purchasing regulations adopted by the Department of Finance and Administration pursuant to Section 31-7-9(2).

(xvi) **Election ballots.** Purchases of ballots printed pursuant to Section 23-15-351.

(xvii) **Multichannel interactive video systems.** From and after July 1, 1990, contracts by Mississippi Authority for Educational Television with any private educational institution or private nonprofit organization whose purposes are educational in regard to the construction, purchase, lease or lease-purchase of facilities and equipment and the employment of personnel for providing multichannel interactive video systems (ITSF) in the school districts of this state.

(xviii) **Purchases of prison industry products by the Department of Corrections, regional correctional facilities or privately owned prisons. * * *** Purchases made by * * * the Mississippi Department of Corrections, regional correctional facilities or privately owned prisons involving any item

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that is manufactured, processed, grown or produced from the state's prison industries.

(xix) **Undercover operations equipment.** Purchases of surveillance equipment or any other high-tech equipment to be used by law enforcement agents in undercover operations, provided that any such purchase shall be in compliance with regulations established by the Department of Finance and Administration.

(xx) **Junior college books for rent.** Purchases by community or junior colleges of textbooks which are obtained for the purpose of renting such books to students as part of a book service system.

(xxi) **Certain school district purchases.** Purchases of commodities made by school districts from vendors with which any levying authority of the school district, as defined in Section 37-57-1, has contracted through competitive bidding procedures for purchases of the same commodities.

(xxii) **Garbage, solid waste and sewage contracts.** Contracts for garbage collection or disposal, contracts for solid waste collection or disposal and contracts for sewage collection or disposal.

(xxiii) **Municipal water tank maintenance contracts.** Professional maintenance program contracts for the repair or maintenance of municipal water tanks, which provide professional services needed to maintain municipal water storage tanks for a fixed annual fee for a duration of two (2) or more years.

(xxiv) **Purchases of Mississippi Industries for the Blind products.** Purchases made by state agencies or governing authorities involving any item that is manufactured, processed or produced by the Mississippi Industries for the Blind.

(xxv) **Purchases of state-adopted textbooks.** Purchases of state-adopted textbooks by public school districts.

(xxvi) **Certain purchases under the Mississippi Major Economic Impact Act.** Contracts entered into pursuant to the provisions of Section 57-75-9(2), (3) and (4).

(xxvii) **Used heavy or specialized machinery or equipment for installation of soil and water conservation practices purchased at auction.** Used heavy or specialized machinery or equipment used for the installation and implementation of

soil and water conservation practices or measures purchased subject to the restrictions provided in Sections 69-27-331 through 69-27-341. Any purchase by the State Soil and Water Conservation Commission under the exemption authorized by this subparagraph shall require advance authorization spread upon the minutes of the commission to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(xxviii) **Hospital lease of equipment or services.** Leases by hospitals of equipment or services if the leases are in compliance with paragraph (1)(ii).

(xxix) **Purchases made pursuant to qualified cooperative purchasing agreements.** Purchases made by certified purchasing offices of state agencies or governing authorities under cooperative purchasing agreements previously approved by the Office of Purchasing and Travel and established by or for any municipality, county, parish or state government or the federal government, provided that the notification to potential contractors includes a clause that sets forth the availability of the cooperative purchasing agreement to other governmental entities. Such purchases shall only be made if the use of the cooperative purchasing agreements is determined to be in the best interest of the governmental entity.

(xxx) **School yearbooks.** Purchases of school yearbooks by state agencies or governing authorities; provided, however, that state agencies and governing authorities shall use for these purchases the RFP process as set forth in the Mississippi Procurement Manual adopted by the Office of Purchasing and Travel.

(xxxi) **Design-build method and dual-phase design-build method of contracting.** Contracts entered into under the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

(xxxii) **Toll roads and bridge construction projects.** Contracts entered into under the provisions of Section 65-43-1 or 65-43-3.

(xxxiii) **Certain purchases under Section 57-1-221.** Contracts entered into pursuant to the provisions of Section 57-1-221.

(xxxiv) **Certain transfers made pursuant to the provisions of Section 57-105-1(7).** Transfers of public property

or facilities under Section 57-105-1(7) and construction related to such public property or facilities.

(xxxv) **Certain purchases or transfers entered into with local electrical power associations.** Contracts or agreements entered into under the provisions of Section 55-3-33.

(n) **Term contract authorization.** All contracts for the purchase of:

(i) All contracts for the purchase of commodities, equipment and public construction (including, but not limited to, repair and maintenance), may be let for periods of not more than sixty (60) months in advance, subject to applicable statutory provisions prohibiting the letting of contracts during specified periods near the end of terms of office. Term contracts for a period exceeding twenty-four (24) months shall also be subject to ratification or cancellation by governing authority boards taking office subsequent to the governing authority board entering the contract.

(ii) Bid proposals and contracts may include price adjustment clauses with relation to the cost to the contractor based upon a nationally published industry-wide or nationally published and recognized cost index. The cost index used in a price adjustment clause shall be determined by the Department of Finance and Administration for the state agencies and by the governing board for governing authorities. The bid proposal and contract documents utilizing a price adjustment clause shall contain the basis and method of adjusting unit prices for the change in the cost of such commodities, equipment and public construction.

(o) **Purchase law violation prohibition and vendor penalty.** No contract or purchase as herein authorized shall be made for the purpose of circumventing the provisions of this section requiring competitive bids, nor shall it be lawful for any person or concern to submit individual invoices for amounts within those authorized for a contract or purchase where the actual value of the contract or commodity purchased exceeds the authorized amount and the invoices therefor are split so as to appear to be authorized as purchases for which competitive bids are not required. Submission of such invoices shall constitute a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment for thirty (30) days in the county jail, or both such fine

and imprisonment. In addition, the claim or claims submitted shall be forfeited.

(p) **Electrical utility petroleum-based equipment purchase procedure.** When in response to a proper advertisement therefor, no bid firm as to price is submitted to an electric utility for power transformers, distribution transformers, power breakers, reclosers or other articles containing a petroleum product, the electric utility may accept the lowest and best bid therefor although the price is not firm.

(q) **Fuel management system bidding procedure.** Any governing authority or agency of the state shall, before contracting for the services and products of a fuel management or fuel access system, enter into negotiations with not fewer than two (2) sellers of fuel management or fuel access systems for competitive written bids to provide the services and products for the systems. In the event that the governing authority or agency cannot locate two (2) sellers of such systems or cannot obtain bids from two (2) sellers of such systems, it shall show proof that it made a diligent, good-faith effort to locate and negotiate with two (2) sellers of such systems. Such proof shall include, but not be limited to, publications of a request for proposals and letters soliciting negotiations and bids. For purposes of this paragraph (q), a fuel management or fuel access system is an automated system of acquiring fuel for vehicles as well as management reports detailing fuel use by vehicles and drivers, and the term "competitive written bid" shall have the meaning as defined in paragraph (b) of this section. Governing authorities and agencies shall be exempt from this process when contracting for the services and products of fuel management or fuel access systems under the terms of a state contract established by the Office of Purchasing and Travel.

(r) **Solid waste contract proposal procedure.** Before entering into any contract for garbage collection or disposal, contract for solid waste collection or disposal or contract for sewage collection or disposal, which involves an expenditure of more than Fifty Thousand Dollars (\$50,000.00), a governing authority or agency shall issue publicly a request for proposals concerning the specifications for such services which shall be advertised for in the same manner as provided in this section for seeking bids for purchases which involve an expenditure of more than the amount provided in paragraph

(c) of this section. Any request for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, legal responsibilities and other relevant factors as are determined by the governing authority or agency to be appropriate for inclusion; all factors determined relevant by the governing authority or agency or required by this paragraph (r) shall be duly included in the advertisement to elicit proposals. After responses to the request for proposals have been duly received, the governing authority or agency shall select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter into contracts with one or more of the persons or firms submitting proposals. If the governing authority or agency deems none of the proposals to be qualified or otherwise acceptable, the request for proposals process may be reinitiated. Notwithstanding any other provisions of this paragraph, where a county with at least thirty-five thousand (35,000) nor more than forty thousand (40,000) population, according to the 1990 federal decennial census, owns or operates a solid waste landfill, the governing authorities of any other county or municipality may contract with the governing authorities of the county owning or operating the landfill, pursuant to a resolution duly adopted and spread upon the minutes of each governing authority involved, for garbage or solid waste collection or disposal services through contract negotiations.

(s) **Minority set-aside authorization.** Notwithstanding any provision of this section to the contrary, any agency or governing authority, by order placed on its minutes, may, in its discretion, set aside not more than twenty percent (20%) of its anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the Department of Finance and Administration and shall be subject to bid requirements under this section. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder. For the purposes of this paragraph, the term "minority business" means a business which is owned by a majority of persons who are United States citizens or permanent resident aliens (as defined by the Immigration and Naturalization Service) of the

United States, and who are Asian, Black, Hispanic or Native American, according to the following definitions:

(i) "Asian" means persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(ii) "Black" means persons having origins in any black racial group of Africa.

(iii) "Hispanic" means persons of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race.

(iv) "Native American" means persons having origins in any of the original people of North America, including American Indians, Eskimos and Aleuts.

(t) **Construction punch list restriction.** The architect, engineer or other representative designated by the agency or governing authority that is contracting for public construction or renovation may prepare and submit to the contractor only one (1) preliminary punch list of items that do not meet the contract requirements at the time of substantial completion and one (1) final list immediately before final completion and final payment.

(u) **Procurement of construction services by state institutions of higher learning.** Contracts for privately financed construction of auxiliary facilities on the campus of a state institution of higher learning may be awarded by the Board of Trustees of State Institutions of Higher Learning to the lowest and best bidder, where sealed bids are solicited, or to the offeror whose proposal is determined to represent the best value to the citizens of the State of Mississippi, where requests for proposals are solicited.

(v) **Insurability of bidders for public construction or other public contracts.** In any solicitation for bids to perform public construction or other public contracts to which this section applies including, but not limited to, contracts for repair and maintenance, for which the contract will require insurance coverage in an amount of not less than One Million Dollars (\$1,000,000.00), bidders shall be permitted to either submit proof of current insurance coverage in the specified amount or demonstrate ability to obtain the required coverage amount of insurance if the contract is awarded to the bidder.

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Proof of insurance coverage shall be submitted within five (5) business days from bid acceptance.

(w) **Purchase authorization clarification.** Nothing in this section shall be construed as authorizing any purchase not authorized by law.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1296

Description: Energy Sustainability and Development Act; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 538

History of Actions:

- | | | | |
|----|-------|-----|-------------------------------|
| 1 | 01/21 | (H) | Referred To Energy |
| 2 | 01/30 | (H) | Title Suff Do Pass |
| 3 | 02/07 | (H) | Passed {Vote} |
| 4 | 02/08 | (H) | Transmitted To Senate |
| 5 | 02/13 | (S) | Referred To Energy |
| 6 | 02/27 | (S) | Title Suff Do Pass As Amended |
| 7 | 03/07 | (S) | Amended |
| 8 | 03/07 | (S) | Passed As Amended {Vote} |
| 9 | 03/08 | (S) | Returned For Concurrence |
| 10 | 03/14 | (H) | Decline to Concur/Invite Conf |
| 11 | 03/25 | (H) | Conferees Named |

Cockerham, Staples, Steverson

- | | | | |
|----|-------|-----|--|
| 12 | 03/29 | (S) | Conferees Named Burton, Polk, Browning |
| 13 | 04/01 | (S) | Conference Report Filed |
| 14 | 04/01 | (H) | Conference Report Filed |
| 15 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 16 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 17 | 04/10 | (H) | Enrolled Bill Signed |
| 18 | 04/10 | (S) | Enrolled Bill Signed |
| 19 | 04/23 | | Approved by Governor |

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1296

Conference Reports:

Conference Report

Code Section: A 057-0039-0001, A 057-0039-0009, A 057-0039-0011, A 057-0039-0019, A 057-0039-0039, A 057-0039-0112, RP 057-0039-0015, RP 057-0039-0017, RP 057-0039-0023, RP 057-0039-0025, RP 057-0039-0027, RP 057-0039-0029, RP 057-0039-0031, RP 057-0039-0033, RP 057-0039-0035, RP 057-0039-0041, RP 057-0039-0105, RP 057-0039-0107, RP 057-0039-0111, RP 057-0039-0113, RP 057-0039-0115, RP 057-0039-0203, RP 057-0039-0205, RP 057-0039-0201

----- **Additional Information** -----

House Committee: Energy

Senate Committee: Energy

Principal Author: Cockerham

Additional Authors: Miles

Title: AN ACT TO CREATE THE “MISSISSIPPI ENERGY SUSTAINABILITY AND DEVELOPMENT ACT”; TO AMEND SECTION 57-39-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEREVER THE WORD “DIVISION” APPEARS IN THE CHAPTER OF LAW WHICH PROVIDES FOR ENERGY PLANNING, IT SHALL MEAN THE MISSISSIPPI DEVELOPMENT AUTHORITY ENERGY AND NATURAL RESOURCES DIVISION; TO AMEND SECTION 57-39-9, MISSISSIPPI CODE OF 1972, TO REVISE THE POWERS AND DUTIES OF THE DIVISION; TO AMEND SECTION 57-39-11, MISSISSIPPI CODE OF 1972, TO REVISE THE CONTENTS OF THE MISSISSIPPI ENERGY PLAN; TO AMEND SECTION 57-39-19, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DIVISION TO COORDINATE THE DEVELOPMENT AND IMPLEMENTATION OF A STATE ENERGY MANAGEMENT PLAN FOR STATE-OWNED AND OPERATED FACILITIES IN CONJUNCTION WITH THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO AMEND SECTION 57-39-39, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MISSISSIPPI DEVELOPMENT AUTHORITY SHALL PROMULGATE RULES FOR LOAN ELIGIBILITY AND WILL ADMINISTER THE ENERGY DEVELOPMENT FUND; TO AMEND SECTION 57-39-112, MISSISSIPPI CODE OF 1972, TO REVISE THE DIVISION’S DUTIES IN ASSISTING THE PUBLIC SCHOOL DISTRICTS IN REDUCING ENERGY CONSUMPTION; TO CREATE A NEW SECTION TO REQUIRE THE DIVISION TO BE RESPONSIBLE FOR COMPILING DATA RELATED TO THE ENERGY RESOURCES, BOTH NATURAL AND MANMADE, OF THE STATE OF MISSISSIPPI; TO REPEAL SECTION 57-39-15, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE SUBMISSION OF THE MISSISSIPPI ENERGY PLAN TO THE LEGISLATURE; TO REPEAL SECTION 57-39-17, MISSISSIPPI CODE OF 1972, WHICH PROVIDES ADDITIONAL PROGRAMS AND ACTIVITIES OF THE BOARD OF ENERGY AND TRANSPORTATION; TO REPEAL SECTION 57-39-23, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR LIMITATIONS ON DISCLOSURE OF PROPRIETY INFORMATION; TO REPEAL SECTION 57-39-25, MISSISSIPPI CODE OF 1972, WHICH PROVIDES CRIMINAL PENALTIES FOR THE FAILURE TO SUBMIT CERTAIN INFORMATION; TO REPEAL SECTION 57-39-27, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE BOARD OF ENERGY AND TRANSPORTATION

TO PRESCRIBE POLICIES AS TO ENERGY EFFICIENCY AND ALLOCATION OF PETROLEUM PRODUCTS; TO REPEAL SECTION 57-39-29, MISSISSIPPI CODE OF 1972, WHICH DESIGNATES THE BOARD AS THE STATE OFFICE OF PETROLEUM ALLOCATION; TO REPEAL SECTION 57-39-31, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE BOARD OF ENERGY AND TRANSPORTATION TO ADMINISTER THE STATE SET-ASIDE PROGRAM; TO REPEAL SECTION 57-39-33, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE BOARD WITH SOLE AUTHORITY TO ESTABLISH PRIORITIES AMONG USERS AND CONSUMERS OF ALLOCATED PRODUCTS; TO REPEAL SECTION 57-39-35, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS THE ESTABLISHMENT OF PRIORITIES BY LOCAL GOVERNMENT OR SUPPLIER WITHOUT BOARD APPROVAL; TO REPEAL SECTION 57-39-41, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE BOARD TO PREPARE A PLAN FOR ESTABLISHING A CENTRAL MOTOR POOL; TO REPEAL SECTION 57-39-105, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO DEVELOP AND IMPLEMENT A GENERAL ENERGY MANAGEMENT PLAN; TO REPEAL SECTION 57-39-107, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO SUBMIT DATA REGARDING ENERGY CONSUMPTION; TO REPEAL SECTION 57-39-111, MISSISSIPPI CODE OF 1972, WHICH REQUIRES STATE AGENCIES TO SUBMIT ENERGY MANAGEMENT PLANS; TO REPEAL SECTION 57-39-113, MISSISSIPPI CODE OF 1972, WHICH ALLOWS FOR A SMALLER PERCENTAGE REDUCTION GOAL FOR QUALIFYING AGENCIES; TO REPEAL SECTION 57-39-115, MISSISSIPPI CODE OF 1972, WHICH REQUIRES AN ANNUAL REPORT ON ENERGY REDUCTION PROGRAMS; TO REPEAL SECTION 57-39-201, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES LOANS FOR SCHOOL ENERGY CONSERVATION PROGRAMS; TO REPEAL SECTION 57-39-203, MISSISSIPPI CODE OF 1972, WHICH DESCRIBES THE PROCESS FOR APPROVAL OF LOANS AND REPAYMENT; TO REPEAL SECTION 57-39-205, MISSISSIPPI CODE OF 1972, WHICH ALLOWS FOR THE FORFEITURE OF HOMESTEAD EXEMPTION IN THE CASE OF A LOAN DEFAULT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1296

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Energy

By: Representatives Cockerham, Miles

House Bill 1296

(As Sent to Governor)

AN ACT TO CREATE THE "MISSISSIPPI ENERGY SUSTAINABILITY AND DEVELOPMENT ACT"; TO AMEND SECTION 57-39-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEREVER THE WORD "DIVISION" APPEARS IN THE CHAPTER OF LAW WHICH PROVIDES FOR ENERGY PLANNING, IT SHALL MEAN THE MISSISSIPPI DEVELOPMENT AUTHORITY ENERGY AND NATURAL RESOURCES DIVISION; TO AMEND SECTION 57-39-9, MISSISSIPPI CODE OF 1972, TO REVISE THE POWERS AND DUTIES OF THE DIVISION; TO AMEND SECTION 57-39-11, MISSISSIPPI CODE OF 1972, TO REVISE THE CONTENTS OF THE MISSISSIPPI ENERGY PLAN; TO AMEND SECTION 57-39-19, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DIVISION TO COORDINATE THE DEVELOPMENT AND IMPLEMENTATION OF A STATE ENERGY MANAGEMENT PLAN FOR STATE-OWNED AND OPERATED FACILITIES IN CONJUNCTION WITH THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO AMEND SECTION 57-39-39, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MISSISSIPPI DEVELOPMENT AUTHORITY SHALL PROMULGATE RULES FOR LOAN ELIGIBILITY AND WILL ADMINISTER THE ENERGY DEVELOPMENT FUND; TO AMEND SECTION 57-39-112, MISSISSIPPI CODE OF 1972, TO REVISE THE DIVISION'S DUTIES IN ASSISTING THE PUBLIC SCHOOL DISTRICTS IN REDUCING ENERGY CONSUMPTION; TO CREATE A NEW SECTION TO REQUIRE THE DIVISION TO BE RESPONSIBLE FOR COMPILING DATA RELATED TO THE ENERGY RESOURCES, BOTH NATURAL AND MANMADE, OF THE STATE OF MISSISSIPPI; TO REPEAL SECTION 57-39-15, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE SUBMISSION OF THE MISSISSIPPI ENERGY PLAN TO THE LEGISLATURE; TO REPEAL SECTION 57-39-17, MISSISSIPPI CODE OF 1972, WHICH PROVIDES ADDITIONAL PROGRAMS AND ACTIVITIES OF THE BOARD OF ENERGY AND TRANSPORTATION; TO REPEAL SECTION 57-39-23, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR LIMITATIONS ON DISCLOSURE OF PROPRIETY INFORMATION; TO REPEAL SECTION 57-39-25, MISSISSIPPI CODE OF 1972, WHICH PROVIDES CRIMINAL PENALTIES FOR THE FAILURE TO SUBMIT CERTAIN INFORMATION; TO REPEAL SECTION 57-39-27, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE BOARD OF ENERGY AND TRANSPORTATION TO PRESCRIBE POLICIES AS TO ENERGY EFFICIENCY AND ALLOCATION OF PETROLEUM

PRODUCTS; TO REPEAL SECTION 57-39-29, MISSISSIPPI CODE OF 1972, WHICH DESIGNATES THE BOARD AS THE STATE OFFICE OF PETROLEUM ALLOCATION; TO REPEAL SECTION 57-39-31, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE BOARD OF ENERGY AND TRANSPORTATION TO ADMINISTER THE STATE SET-ASIDE PROGRAM; TO REPEAL SECTION 57-39-33, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE BOARD WITH SOLE AUTHORITY TO ESTABLISH PRIORITIES AMONG USERS AND CONSUMERS OF ALLOCATED PRODUCTS; TO REPEAL SECTION 57-39-35, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS THE ESTABLISHMENT OF PRIORITIES BY LOCAL GOVERNMENT OR SUPPLIER WITHOUT BOARD APPROVAL; TO REPEAL SECTION 57-39-41, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE BOARD TO PREPARE A PLAN FOR ESTABLISHING A CENTRAL MOTOR POOL; TO REPEAL SECTION 57-39-105, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO DEVELOP AND IMPLEMENT A GENERAL ENERGY MANAGEMENT PLAN; TO REPEAL SECTION 57-39-107, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO SUBMIT DATA REGARDING ENERGY CONSUMPTION; TO REPEAL SECTION 57-39-111, MISSISSIPPI CODE OF 1972, WHICH REQUIRES STATE AGENCIES TO SUBMIT ENERGY MANAGEMENT PLANS; TO REPEAL SECTION 57-39-113, MISSISSIPPI CODE OF 1972, WHICH ALLOWS FOR A SMALLER PERCENTAGE REDUCTION GOAL FOR QUALIFYING AGENCIES; TO REPEAL SECTION 57-39-115, MISSISSIPPI CODE OF 1972, WHICH REQUIRES AN ANNUAL REPORT ON ENERGY REDUCTION PROGRAMS; TO REPEAL SECTION 57-39-201, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES LOANS FOR SCHOOL ENERGY CONSERVATION PROGRAMS; TO REPEAL SECTION 57-39-203, MISSISSIPPI CODE OF 1972, WHICH DESCRIBES THE PROCESS FOR APPROVAL OF LOANS AND REPAYMENT; TO REPEAL SECTION 57-39-205, MISSISSIPPI CODE OF 1972, WHICH ALLOWS FOR THE FORFEITURE OF HOMESTEAD EXEMPTION IN THE CASE OF A LOAN DEFAULT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Mississippi Energy Sustainability and Development Act."

SECTION 2. Section 57-39-1, Mississippi Code of 1972, is amended as follows:

57-39-1. (1) The purpose of this chapter is to coordinate all energy-related needs and activities in Mississippi with the objective of providing an efficient and economical energy system through a statewide plan. To that end, the * * * Mississippi Development Authority is directed to evaluate this state's energy needs and availability.

(2) The powers, duties and responsibilities of the Board of Energy and Transportation with respect to the state's energy needs and activities are transferred to the * * * Mississippi Development Authority, and wherever the word "board" appears in this chapter meaning the former Board of Energy and Transportation it shall mean the * * * Mississippi Development Authority. Whenever the word "division" appears in this chapter, it shall mean the Mississippi Development Authority Energy and Natural Resources Division.

SECTION 3. Section 57-39-9, Mississippi Code of 1972, is amended as follows:

57-39-9. The powers and duties of the * * * division shall include, but not be limited to, the following:

(a) To promote Mississippi as a leader in energy development, job creation and research.

(b) To contribute to economic development activities related to the energy production and manufacturing sectors.

(c) To promote energy efficiency across state government and within the private sector and other sectors, so that the state can realize the monetary and environmental benefits of energy efficiency.

(* * *d) To prepare, when necessary, a Mississippi Energy Plan and a State Energy Management Plan as hereinafter set forth.

(e) To develop policies and long-term strategic plans for the State of Mississippi to accomplish the duties hereinafter set forth.

(f) To collect, maintain and provide analysis of data related to energy consumption, production and natural resources pertinent to the development of more energy opportunities within the state.

(g) To promote the development, manufacturing and use of renewable technologies, processes and products in the state.

(h) To serve as the State Energy Office for the State of Mississippi and fulfill requirements of the State Energy Office as mandated by the federal government or the Governor.

(* * *i) To prepare implementation programs in accordance with the requirements of the plan.

(* * *j) Upon request, to accept, receive and receipt for federal monies and other monies, either public or private, for and in behalf of this state. Upon request of any political subdivision of the state, to accept, receive and receipt for any designated purpose, federal monies and other monies, either public or private, for and in behalf of any such political subdivision.

(* * *k) To confer with or to hold joint hearings with any agency of the United States in connection with any matter arising under this chapter, or relating to the sound development of energy utilization.

* * *

(* * *l) To perform such acts, make, promulgate and amend such reasonable general or special rules, regulations and procedures as it shall deem necessary to carry out the provisions of this chapter and to perform its duties hereunder. No rules, regulations or procedures prescribed by the board shall be inconsistent with, or contrary to, any acts of the Congress of the United States or any regulations promulgated pursuant thereto, or to this chapter or any other statutes of the State of Mississippi.

(* * *m) To enter into contracts, grants and cooperative agreements with any federal or state agency, department or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the provisions of this chapter, provided the agreements do not have a financial cost in excess of the amounts appropriated for such purposes by the Legislature.

(n) As required by the federal government or as directed by the Governor of the State of Mississippi, to establish a state program to administer the State Petroleum Set-Aside Program and to provide assistance in obtaining adjustments specified in orders issued by the Federal Energy Office.

SECTION 4. Section 57-39-11, Mississippi Code of 1972, is amended as follows:

57-39-11. (1) The * * * division shall be tasked with developing, implementing and refining over time the Mississippi Energy Plan. The Mississippi Energy Plan shall include, but not be limited to the following: * * *

* * *

(a) * * * Efforts to promote Mississippi as a leader in energy development, job creation and research;

(b) * * * Plans to encourage the safe and responsible exploration and extraction of the state's natural resources;

(c) * * * Plans to add value and sustain resources through advances in manufacturing, conversion, and processing related to energy consumption and generation;

(d) Expanding energy capacity and realizing savings through energy efficiency;

(e) Encourage investments in the energy infrastructure of transmission and distribution to maintain the state's leadership in this area;

(f) Plans to ensure the state competes in technology-based energy economic development, research and development, and commercialization;

(g) Prepare a twenty-first century energy workforce;

(h) Statewide forecasts of energy needs and deficiencies;

(* * *i) A program for directing the expenditure of local, state and federal energy funds in conformity with the statewide plan;

(* * *j) Statewide implementation program, including a schedule of improvement programs, an operations program, a financial plan, necessary policies and legislation for implementation of the energy plan* * *; and

(* * *k) Financial impact statement.

* * *

SECTION 5. Section 57-39-19, Mississippi Code of 1972, is amended as follows:

57-39-19.* * * (1) To ensure that state-owned facilities be operated in an energy-efficient manner to reduce operating costs to the General Fund and demonstrate successful energy consumption reduction strategies to other sectors of the state economy, the division shall coordinate the development and implementation of a general energy management plan for state-owned and operated facilities in conjunction with the Department of Finance and Administration, Bureau of Building, Grounds and Real Property Management. The general energy

management plan shall include, but not be limited to, the following elements:

(a) * * * Gathering of energy-related data from state agencies, state institutions of higher learning, and community and junior colleges in a form and manner as required by the division;

(b) * * * Benchmarking of energy consumption and costs;

(c) * * * Use of a central system to aggregate and track energy consumption data for all state-owned facilities;

(d) * * * Model buildings and facilities energy audit procedures;

(e) * * * Model energy consumption reduction techniques;

(f) * * * Uniform data analysis procedures;

(g) Model employee energy education program procedures;

(h) Model training program for agency and institution personnel and energy coordinators;

(i) Model guidelines for buildings and facilities managers;

(j) Program monitoring and evaluation procedures.

(2) The State Energy Management Plan shall also include a description of actions to reduce consumption of electricity and nonrenewable energy sources used for heating, cooling, ventilation, lighting and water heating. A designee of each of the following entities - the Board of Trustees of State Institutions of Higher Learning, the Community College Board, the Department of Education, and the Department of Finance and Administration shall assist in the preparation of the State Energy Management Plan and serve together on an advisory board; the director of the division shall serve as the head of this board and shall convene representatives of these institutions no fewer than once each year in order to review implementation of the State Energy Management Plan.

(3) The State Energy Management Plan shall be developed and implemented with input and assistance from the Department of Finance and Administration, Bureau of Building, Grounds and Real Property Management, and the two (2) state agencies shall work together and pledge to use pertinent resources and programs in conjunction with one another to accomplish the goals described in this section.

(4) The Department of Finance and Administration, Bureau of Building, Grounds and Real Property Management shall transmit to the division an updated state building inventory on an annual basis.

(5) All state agencies having buildings on the inventory of buildings submitted to the Department of Finance and Administration as well as all institutions of higher learning and community and junior colleges (hereafter referred to as "covered entities"), shall submit energy consumption in a form and manner prescribed by the division.

(6) Energy-related data may include, but shall not be limited to, the following:

- (a) Electrical consumption data;
- (b) Natural gas consumption; and
- (c) Fuel oil consumption.

Any covered entity that does not enter its energy data in the form and manner prescribed by the division shall, at the discretion of the division, not be eligible to receive energy conservation funds from the Bureau of Building, Grounds and Real Property Management or be eligible to receive any state, federal or other funds from the division. The Mississippi Development Authority, in coordination with the Bureau of Building, Grounds and Real Property Management, shall promulgate rules pertaining to this section.

(7) By September 1 of each year, the division shall provide to the Legislature and the Governor a report on the energy consumption of covered entities. This report shall include, but shall not be limited to, total energy consumption for the state, total costs related to the energy metrics being tracked, increases or decreases from year-to-year by the state and by each covered entity, and forecast models for the coming fiscal year. The Bureau of Building, Grounds and Real Property Management shall provide assistance in the development of this report, as needed. The division will also provide a list of covered entities that have not reported data in accordance with this section.

(8) By November 1, 2014, and each subsequent five-year interval, each covered entity must submit a detailed energy management plan to the division. The detailed energy management plan shall describe specific measures to be taken to reduce

the agency's energy consumption by energy unit measure over a five-year period. The plan shall also include a timetable to accomplish the agency's reduction goals. If the detailed energy management plan meets the criteria developed by the division, the division shall approve the plan. If the detailed energy management plan fails to meet the criteria, the division shall disapprove the detailed energy management plan and notify the submitting agency in writing, including the reasons for disapproval. Covered entities that do not submit an energy management plan by the deadline or fail to remedy changes subsequently required by the division shall, at the discretion of the division, not be eligible to receive energy conservation funds from the Bureau of Building, Grounds and Real Property Management or be eligible to receive capital improvement funds from the Bureau of Building, Grounds and Real Property Management or be eligible to receive any state, federal or other funds from the division until such time as the entity has an energy management plan approved by the division.

SECTION 6. Section 57-39-39, Mississippi Code of 1972, is amended as follows:

57-39-39. (1) There is hereby created in the State Treasury a fund to be known as the Energy Development Fund. Monies in such fund are reserved exclusively for:

(a) Promoting the * * * development of Mississippi's energy resources.

(b) Developing projects under this section which will demonstrate a realistic promise of making a significant energy contribution to the State of Mississippi.

(c) Effectively utilizing the state's existing alternative and conventional energy resources to foster economic and social improvements in the state.

(2) The* * * division will administer the fund. The * * * division will establish policy and guidelines for use of the fund not later than one hundred twenty (120) days after July 1, * * * 2013. * * *

(* * *3) * * * The department will submit to the Governor on or before December 31 of each year a comprehensive report on the operation of the fund.

* * *

SECTION 7. Section 57-39-112, Mississippi Code of 1972, is amended as follows:

57-39-112. The division shall * * * provide technical assistance to the Mississippi Department of Education so that the department can assist local school districts in developing a detailed energy management plan for that public school district. The purposes of the plan shall be to assist the public school district in * * * reducing consumption of energy in its buildings and facilities * * * and to maintain or reduce that level of energy consumption, subject to any allowances for building and facilities modernization, remodeling or upgrading for educational purposes, and for increased or decreased enrollment.

SECTION 8. (1) The division shall be responsible for compiling an ongoing basis data related to the energy resources, both natural and manmade, of the State of Mississippi. This information shall be compiled from trusted and verified sources for the purposes of aggregation for analysis and dissemination to partners and the public with the intent to maximize the energy resources of the state.

(2) **Biomass resources.** The division shall be responsible for maintaining a current database and map of biomass feedstocks found in the State of Mississippi. The division shall work with the Mississippi Forestry Commission, the Department of Agriculture, the institutions of higher learning, and other knowledgeable partners to produce and maintain accurate data on the renewable biomass resources of the state. The division shall analyze the data and prepare reports on a regular basis in order to highlight and promote the biomass resources of the state.

(3) **Energy infrastructure.** The division shall be responsible for maintaining a current database and map of the infrastructure that transports energy fuels and products across the state. The division shall analyze the data and prepare reports on a regular basis in order to highlight and promote the energy infrastructure of the state.

(4) **Energy production and reserves.** The division shall be responsible for maintaining information from all readily available resources on the energy production capacity in the state. The division shall maintain information on the energy reserves of the state.

(5) **Reports and publications.** The division shall produce reports, white papers, or articles for placement in targeted publications that include information to promote Mississippi as a leader in the energy sector.

SECTION 9. Section 57-39-15, Mississippi Code of 1972, which provides for the submission of the Mississippi Energy Plan to the Legislature, is hereby repealed.

SECTION 10. Section 57-39-17, Mississippi Code of 1972, which provides additional programs and activities of the Board of Energy and Transportation, is hereby repealed.

SECTION 11. Section 57-39-23, Mississippi Code of 1972, which provides for limitations on disclosure of proprietary information, is hereby repealed.

SECTION 12. Section 57-39-25, Mississippi Code of 1972, which provides criminal penalties for the failure to submit certain information, is hereby repealed.

SECTION 13. Section 57-39-27, Mississippi Code of 1972, which requires the Board of Energy and Transportation to prescribe policies as to energy efficiency and allocation of petroleum products, is hereby repealed.

SECTION 14. Section 57-39-29, Mississippi Code of 1972, which designates the board as the State Office of Petroleum Allocation, is hereby repealed.

SECTION 15. Section 57-39-31, Mississippi Code of 1972, which requires the Board of Energy and Transportation to administer the state set-aside program, is hereby repealed.

SECTION 16. Section 57-39-33, Mississippi Code of 1972, which provides the board with sole authority to establish priorities among users and consumers of allocated products, is hereby repealed.

SECTION 17. Section 57-39-35, Mississippi Code of 1972, which prohibits the establishment of priorities by local government or supplier without board approval, is hereby repealed.

SECTION 18. Section 57-39-41, Mississippi Code of 1972, which requires the board to prepare a plan for establishing central motor pool, is hereby repealed.

SECTION 19. Section 57-39-105, Mississippi Code of 1972, which requires the Department of Economic and Community

Development to develop and implement a general energy management plan, is hereby repealed.

SECTION 20. Section 57-39-107, Mississippi Code of 1972, which requires the Department of Finance and Administration to submit data regarding energy consumption, is hereby repealed.

SECTION 21. Section 57-39-111, Mississippi Code of 1972, which requires state agencies to submit energy management plans, is hereby repealed.

SECTION 22. Section 57-39-113, Mississippi Code of 1972, which allows for a smaller percentage reduction goal for qualifying agencies, is hereby repealed.

SECTION 23. Section 57-39-115, Mississippi Code of 1972, which requires an annual report on energy reduction programs, is hereby repealed.

SECTION 24. Section 57-39-201, Mississippi Code of 1972, which authorizes loans for school energy conservation programs, is hereby repealed.

SECTION 25. Section 57-39-203, Mississippi Code of 1972, which describes the process for approval of loans and repayment, is hereby repealed.

SECTION 26. Section 57-39-205, Mississippi Code of 1972, which allows for the forfeiture of homestead exemption in the case of a loan default, is hereby repealed.

SECTION 27. This act shall take effect and be in force from and after July 1, 2013.

Mississippi Legislature 2013 Regular Session

House Bill 1335

Description: Motor vehicles; make unlawful to sell without title and registration in name of owner unless dealer.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 522

History of Actions:

1	01/21	(H)	Referred To Transportation
2	01/31	(H)	Title Suff Do Pass Comm Sub
3	02/13	(H)	Committee Substitute Adopted
4	02/13	(H)	Amended
5	02/13	(H)	Passed As Amended {Vote}
6	02/13	(H)	Motion to Reconsider Entered (Johnson, Massengill)
7	02/15	(H)	Reconsidered
8	02/15	(H)	Amended
9	02/15	(H)	Passed As Amended {Vote}
10	02/20	(H)	Transmitted To Senate
11	02/22	(S)	Referred To Highways and Transportation
12	02/28	(S)	Title Suff Do Pass As Amended
13	03/07	(S)	Tabled Subject To Call
14	03/13	(S)	Amended
15	03/13	(S)	Passed As Amended {Vote}
16	03/14	(S)	Returned For Concurrence
17	03/19	(H)	Decline to Concur/Invite Conf
18	03/25	(H)	Conferees Named Johnson, DeLano, Steverson
19	03/29	(S)	Conferees Named Simmons (13th), Fillingane, Butler (38th)
20	03/30	(S)	Conference Report Filed
21	03/30	(H)	Conference Report Filed
22	04/01	(H)	Conference Report Adopted {Vote}

23 04/02 (S) Conference Report Adopted {Vote}
24 04/08 (H) Enrolled Bill Signed
25 04/08 (S) Enrolled Bill Signed
26 04/23 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)*Adopted* Voice Vote
[H] Amendment No 2 (Cmte Sub)*Adopted* Voice Vote
[S] Committee Amendment No 1 Replaced by Substitute
[S] Substitute No 1 for Committee Amendment No 1 Withdrawn
[S] Substitute No 2 for Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 1335

Conference Reports:

Conference Report

----- Additional Information -----

House Committee: Transportation

Senate Committee: Highways and Transportation

Principal Author: Gunn

Additional Authors: Snowden, Bennett, Dixon

Title: AN ACT TO PROHIBIT ANY PERSON FROM SELLING A MOTOR VEHICLE UNLESS THE TITLE AND REGISTRATION OF THE VEHICLE IS IN THE NAME OF THAT PERSON; TO PROVIDE EXCEPTIONS; TO PROVIDE THAT A VIOLATION OF THIS PROVISION IS A MISDEMEANOR; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Transportation

By: Representatives Gunn, Snowden, Bennett, Dixon

House Bill 1335

(As Sent to Governor)

AN ACT TO PROHIBIT ANY PERSON FROM SELLING A MOTOR VEHICLE UNLESS THE TITLE AND REGISTRATION OF THE VEHICLE IS IN THE NAME OF THAT PERSON; TO PROVIDE EXCEPTIONS; TO PROVIDE THAT A VIOLATION OF THIS PROVISION IS A MISDEMEANOR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) It is unlawful for a person to sell a motor vehicle that is not titled and registered in the name of that person unless the person is:

(a) An heir, successor or assignee of the owner of the motor vehicle;

(b) A motor vehicle dealer licensed or permitted in the State of Mississippi to sell motor vehicles;

(c) A person selling a motor vehicle to a licensed used motor vehicle parts dealer or scrap metal processor in compliance with Section 63-21-39;

(d) A person selling a motor vehicle under the Mississippi Title Pledge Act;

(e) An insurance company or its authorized agent selling a motor vehicle that is the subject of an insurance claim; or

(f) A finance company or bank selling a motor vehicle.

All local and state law enforcement agencies have jurisdiction to enforce this section.

(2) Any person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) per violation.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1344

Description: Motor vehicles; revise laws regarding scrapping or dismantling of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 570

History of Actions:

- 1 01/21 (H) Referred To Transportation
- 2 02/05 (H) Title Suff Do Pass Comm Sub
- 3 02/13 (H) Committee Substitute Adopted
- 4 02/13 (H) Passed {Vote}
- 5 02/15 (H) Transmitted To Senate
- 6 02/19 (S) Referred To Highways and Transportation;

Finance

- 7 02/28 (S) DR - TSDPAA: HI To FI
 - 8 03/05 (S) Title Suff Do Pass As Amended
 - 9 03/07 (S) Amended
 - 10 03/07 (S) Passed As Amended {Vote}
 - 11 03/08 (S) Motion to Reconsider Entered
 - 12 03/14 (S) Motion to Reconsider Tabled
 - 13 03/14 (S) Returned For Concurrence
 - 14 03/19 (H) Decline to Concur/Invite Conf
 - 15 03/25 (H) Conferees Named Johnson, Massengill, DeLano
 - 16 03/29 (S) Conferees Named Simmons
- (13th), Fillingane, Butler (38th)
- 17 03/30 (S) Conference Report Filed
 - 18 03/30 (H) Conference Report Filed
 - 19 04/01 (H) Conference Report Adopted {Vote}
 - 20 04/02 (S) Conference Report Adopted {Vote}
 - 21 04/09 (S) Enrolled Bill Signed
 - 22 04/09 (H) Enrolled Bill Signed
 - 23 04/26 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 1344

Conference Reports:

| Conference Report

Code Section: A 063-0021-0039

----- **Additional Information** -----

House Committee: Transportation

Senate Committee: Highways and Transportation, Finance

Principal Author: DeLano

Title: AN ACT TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS OF THE AFFIDAVIT FORM REQUIRED TO BE FILED WITH THE DEPARTMENT OF REVENUE WHEN CANCELLING A CERTIFICATE OF TITLE FOR SCRAP MOTOR VEHICLES WHEN THE CERTIFICATE OF TITLE IS NOT AVAILABLE; TO REQUIRE THAT WITHIN TWO BUSINESS DAYS OF EACH DAY'S CLOSE OF BUSINESS, THE USED MOTOR VEHICLE PARTS DEALER OR SCRAPMETAL PROCESSOR WHO PURCHASES OR RECEIVES MOTOR VEHICLES FOR SCRAP OR FOR PARTS SHALL DELIVER IN A FORMAT APPROVED BY THE DEPARTMENT A LIST OF ALL SUCH VEHICLES PURCHASED THAT DAY FOR SCRAP OR FOR PARTS; TO REVISE THE DEFINITION OF "MOTOR VEHICLE" FOR THE PURPOSES OF THIS ACT; TO PROVIDE THAT WHEN A USED MOTOR VEHICLE PARTS DEALER OR SCRAP METAL PROCESSOR PURCHASES OR RECEIVES A CRUSHED OR FLATTENED VEHICLE, THAT DEALER OR PROCESSOR MUST VERIFY THAT THE SELLER HAS REPORTED THE VEHICLE AS REQUIRED BY THIS ACT; TO MAKE IT A CRIMINAL OFFENSE TO KNOWINGLY FALSIFY ANY INFORMATION ON THE AFFIDAVIT FORM PROVIDED BY THIS ACT; TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO CHARGE A FEE FOR ANY VEHICLE IDENTIFICATION NUMBER VERIFICATION REQUIRED BY FEDERAL LAW OR REGULATION ON A VEHICLE WITH A SALVAGE CERTIFICATE OF TITLE FOR WHICH A PERSON APPLIES FOR A CLEAR TITLE OR BRANDED TITLE; TO AUTHORIZE THE SEIZURE AND FORFEITURE OF ANY MOTOR VEHICLE, TRAILER OR SIMILAR CONVEYANCE USED TO TRANSPORT ANOTHER MOTOR VEHICLE OR CRUSHED MOTOR VEHICLE SOLD IN VIOLATION OF THIS SECTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Transportation

By: Representative DeLano

House Bill 1344

(As Sent to Governor)

AN ACT TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS OF THE AFFIDAVIT FORM REQUIRED TO BE FILED WITH THE DEPARTMENT OF REVENUE WHEN CANCELLING A CERTIFICATE OF TITLE FOR SCRAP MOTOR VEHICLES WHEN THE CERTIFICATE OF TITLE IS NOT AVAILABLE; TO REQUIRE THAT WITHIN TWO BUSINESS DAYS OF EACH DAY'S CLOSE OF BUSINESS, THE USED MOTOR VEHICLE PARTS DEALER OR SCRAP METAL PROCESSOR WHO PURCHASES OR RECEIVES MOTOR VEHICLES FOR SCRAP OR FOR PARTS SHALL DELIVER IN A FORMAT APPROVED BY THE DEPARTMENT A LIST OF ALL SUCH VEHICLES PURCHASED THAT DAY FOR SCRAP OR FOR PARTS; TO REVISE THE DEFINITION OF "MOTOR VEHICLE" FOR THE PURPOSES OF THIS ACT; TO PROVIDE THAT WHEN A USED MOTOR VEHICLE PARTS DEALER OR SCRAP METAL PROCESSOR PURCHASES OR RECEIVES A CRUSHED OR FLATTENED VEHICLE, THAT DEALER OR PROCESSOR MUST VERIFY THAT THE SELLER HAS REPORTED THE VEHICLE AS REQUIRED BY THIS ACT; TO MAKE IT A CRIMINAL OFFENSE TO KNOWINGLY FALSIFY ANY INFORMATION ON THE AFFIDAVIT FORM PROVIDED BY THIS ACT; TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO CHARGE A FEE FOR ANY VEHICLE IDENTIFICATION NUMBER VERIFICATION REQUIRED BY FEDERAL LAW OR REGULATION ON A VEHICLE WITH A SALVAGE CERTIFICATE OF TITLE FOR WHICH A PERSON APPLIES FOR A CLEAR TITLE OR BRANDED TITLE; TO AUTHORIZE THE SEIZURE AND FORFEITURE OF ANY MOTOR VEHICLE, TRAILER OR SIMILAR CONVEYANCE USED TO TRANSPORT ANOTHER MOTOR VEHICLE OR CRUSHED MOTOR VEHICLE SOLD IN VIOLATION OF THIS SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-21-39, Mississippi Code of 1972, is amended as follows:

63-21-39. (1) (a) An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall immediately cause the certificate of title and any other documents required by the Department of Revenue to be mailed or delivered to

the Department of Revenue for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the Department of Revenue requires, accompanied by a certificate of inspection in the form and content specified in Section 63-21-15(5) and proof of payment of a fee as provided in subsection (2) of this section.

(b) Notwithstanding any other provision of this chapter to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, has lost the title for the vehicle to be transferred, or has returned the title to the Department of Revenue in accordance with Section 63-21-39(1)(a), he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is at least ten (10) model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer or scrap metal processor. The department shall promulgate a form for the statement which shall include, but not be limited to:

(i) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;

(* * *ii) A description of the vehicle including the year, make, model and vehicle identification number;

(* * *iii) The name, address, and driver's license number of the owner;

(* * *iv) A certification that the owner:

1. Never obtained a title to the vehicle in his or her name; or

2. Was issued a title for the vehicle, but the title was lost or stolen;

(* * *v) A certification that the vehicle:

1. Is at least ten (10) model years old; and

2. Is not subject to any * * * security interest or lien;

(vi) An acknowledgment that the owner and buyer of the vehicle realizes this form will be filed with the department and that:

1. It is a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense of knowingly falsifying any information on this statement; and

2. It is a felony, punishable by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or imprisonment for not less than one (1) year nor more than five (5) years, or both, for conviction of a second or subsequent offense of knowingly falsifying any information on this statement;

(* * *vii) The owner's signature and the date of the transaction;

(* * *viii) The name and address of the business acquiring the vehicle;

(* * *ix) The National Motor Vehicle Title Information System identification number; and

(* * *x) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.

(c) Until such time as the department makes available an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (b) of this subsection (1) to the Department of Revenue within * * * three (3) business days of the completion of the transaction, requesting that the department cancel the Mississippi certificate of title and registration. * * * Once the department develops an Internet-based system, the used motor vehicle parts dealer or scrap metal processor * * * shall utilize such system and within two (2) business days electronically submit the information contained in the statement* * * using that system.

(d) * * * Within two (2) business days of each day's close of business, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, by electronic means once developed and made available by the department, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information:

(i) The name, address and contact information for the reporting entity;

(ii) The vehicle identification numbers of such vehicles;

(iii) The dates such vehicles were obtained;

(iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only;

(v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes;

(vi) A statement of whether the vehicle is intended for export out of the United States; and

(vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle.

(e) (i) For purposes of this subsection, the term "motor vehicle" shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible.

(ii) In cases in which crushed or flattened vehicles are purchased or received, the purchasing or receiving used motor vehicle parts dealer or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or a contract between the seller and the purchasing or receiving used motor vehicle parts dealer or scrap metal processor attesting to the seller's compliance with the reporting requirements of this subsection. Such verification must clearly identify the seller by a government issued photograph identification card or employer identification number, and the verification and copy of the identification card or number shall be maintained by the purchasing or receiving used motor vehicle parts dealer or scrap metal processor for a period of not less than two (2) years.

(f) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall

be reported to the National Motor Vehicle Title Information System, in a format that will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

(g) Until such time as the department develops and makes available the Internet based system described in paragraph (d) of this subsection, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within forty-eight (48) hours of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor which shall satisfy the requirements of paragraph (d).

(h) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be made available only to law enforcement agencies and for purposes of canceling certificates of title. The information shall otherwise be considered to be confidential business information of the respective reporting entities.

(i) All records required under the provisions of this subsection shall be maintained for a period of two (2) years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state issued identification card.

(j) A person who knowingly and willfully violates this subsection (1), or any person who knowingly and willfully falsifies or assists another person in falsifying the statement or information required under paragraphs (b) or (d) of this subsection, or any person who knowingly and willfully sells a vehicle upon which there is an unsatisfied lien or security interest, or who purchases a vehicle without complying with either subsection (1)(a) or (1)(b) of this section and who knowingly and willfully destroys or dismantles a vehicle upon which he knows that there is an unsatisfied lien or security interest shall:

(i) Be guilty of a misdemeanor, punishable by a fine not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense; or

(ii) Upon conviction of a second or subsequent offense, a felony, punishable by imprisonment for not less than one (1) year nor more than five (5) years or a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both.

In addition, the court may order each person convicted to pay restitution to any party suffering monetary loss in the amount of such loss. No part of any sentence imposed by the court shall be suspended unless such restitution has been paid in full.

(k) A person who knowingly and willfully fails to deliver the title as required under paragraph (a) of this subsection, or the statement required under paragraph (b) of this subsection to the Department of Revenue within seventy-two (72) hours of the completion of the transaction, or who, until such time as the department develops and makes available the Internet-based system described in paragraph (d), fails to deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within two (2) business days of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor shall be in violation of this section, and subject to a civil penalty of up to One Thousand Dollars (\$1,000.00) per violation. Actions to impose this penalty may be brought by any local or state law enforcement agency, district attorney, or by the Attorney General, in any court of competent jurisdiction. One-half (1/2) of the monies generated from such civil penalties shall be deposited in a special fund created in the State Treasury for use by the Department of Revenue's Title Bureau, and one-half (1/2) of the monies generated from such civil penalties shall be deposited in the general fund of the municipality if the suit was brought in a municipal court, or in the general fund of the county if the suit was brought in the court of a county.

(2) For the purpose of requesting a clear title or a branded title on a vehicle with a salvage certificate of title, every owner of a vehicle that has been issued a salvage certificate of title in this state or any other state which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to be issued shall make application to

the Department of Revenue, accompanied by a certificate of inspection issued by the Department of Public Safety in the form and content specified in Section 63-21-15(5) and the payment of a fee of Seventy-five Dollars (\$75.00) for each motor vehicle for which a certificate of inspection is issued. In addition, the Department of Public Safety may charge such a person a fee in the amount of Twenty-five Dollars (\$25.00) for performing any vehicle identification number verification required by federal law or regulation for the vehicle for which the person is applying for a title. All such monies shall be collected by the Department of Public Safety and paid to the State Treasurer for deposit in a special fund that is hereby created in the State Treasury to be known as the "Salvage Certificate of Title Fund." Monies in the special fund may be expended by the Department of Public Safety, upon appropriation by the Legislature. The Department of Revenue shall establish by regulation the minimum requirements by which a vehicle which has been issued a salvage certificate of title may be issued a clear title.

(3) Before a clear title or a branded title may be issued for a vehicle for which a salvage certificate of title has been issued, the applicant shall submit, by hand delivery or mail, such documents and information to the Department of Public Safety as the department may require for the purpose of determining if the vehicle complies with the requirements of this section and all applicable regulations promulgated by the Commissioner of Public Safety and the Department of Revenue. The Department of Public Safety also may require that an applicant bring a vehicle for which application for a clear title or a branded title is being made to a Highway Patrol facility for a visual inspection whenever the department deems that a visual inspection is necessary or advisable. Nothing in this section shall be construed to prohibit inspectors of the Mississippi Highway Patrol from conducting on-site inspections and investigations of motor vehicle rebuilders or motor vehicle repair businesses to determine if such businesses are in compliance with all applicable laws relating to the motor vehicle title laws of this state and regulations promulgated by the Commissioner of Public Safety and the Department of Revenue.

SECTION 2. Any motor vehicle, trailer or similar conveyance used to transport another motor vehicle or crushed motor vehicle sold in violation of this act or otherwise used to aid

in the commission of a violation of this act may be seized by a law enforcement agency and is subject to forfeiture ordered by the court in the manner and under the terms and conditions set out for forfeitures of a vehicle, trailer or similar conveyance in Sections 2 through 6 of this act; however, no conveyance is subject to forfeiture under this act by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent. If the seizing law enforcement agency has reason to believe that the conveyance is a leased or rented conveyance, then the seizing law enforcement agency shall notify the owner of the conveyance as soon as practicable after the seizure. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

SECTION 3. (1) When any vehicle, trailer or similar conveyance is used in the commission of a violation of this act, the vehicle, trailer or similar conveyance so used is subject to seizure by the applicable law enforcement agency and the vehicle, trailer or similar conveyance may be forfeited by the administrative forfeiture procedures provided for in Sections 2 through 5 of this act.

(2) The attorney for or any representative of the seizing law enforcement agency shall provide notice of intention to forfeit the seized vehicle, trailer or similar conveyance administratively, either by certified mail, return receipt requested, or by personal delivery, to all persons who are required to be notified pursuant to this Section 3 of this act.

(3) In the event that notice of intention to forfeit the seized vehicle, trailer or similar conveyance administratively cannot be given as provided in subsection (2) of this section because of refusal, failure to claim, insufficient address or any other reason, the attorney for or representative of the seizing law enforcement agency shall provide notice by publication in a newspaper of general circulation in the county in which the seizure occurred for once a week for three (3) consecutive weeks.

(4) Notice pursuant to subsections (2) and (3) of this section shall include the following information:

(a) A description of the vehicle, trailer or similar conveyance;

(b) The approximate value of the vehicle, trailer or similar conveyance;

(c) The date and place of the seizure;

(d) The connection between the vehicle, trailer or similar conveyance and the violation of this Act;

(e) The instructions for filing a request for judicial review; and

(f) A statement that the vehicle, trailer or similar conveyance will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed.

(5) Any person claiming an interest in a vehicle, trailer or similar conveyance which is the subject of a notice under this section may, within thirty (30) days after receipt of the notice or of the date of the first publication of the notice, file a petition to contest forfeiture signed by the claimant in the county court, if a county court exists, or otherwise in the circuit court of the county in which the seizure is made or the county in which the criminal prosecution is brought, in order to claim an interest in the vehicle, trailer or similar conveyance. Upon the filing of the petition and the payment of the filing fees, service of the petition shall be made on the attorney for or representative of the seizing law enforcement agency, and the proceedings shall thereafter be governed by the rules of civil procedure.

(6) If no petition to contest forfeiture is timely filed, the attorney for the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject vehicle, trailer or similar conveyance and the forfeited vehicle, trailer or similar conveyance shall be used, distributed or disposed of in accordance with the provisions of Section 5 of this Act.

SECTION 4. (1) Except as otherwise provided in Section 2 of this Act, when any vehicle, trailer or similar conveyance is seized under this act, proceedings under this section shall be instituted within thirty (30) days from the date of seizure or the subject vehicle, trailer or similar conveyance shall be immediately returned to the party from whom seized.

(2) A petition for forfeiture shall be filed in the name of the county or the municipality and may be filed in the county in which the seizure is made, the county in which the criminal

prosecution is brought or the county in which the owner of the seized vehicle, trailer or similar conveyance is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized vehicle, trailer or similar conveyance is within the jurisdictional limits of the county court as set forth in Section 9-9-21, Mississippi Code of 1972. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:

(a) The owner of the vehicle, trailer or similar conveyance, if address is known;

(b) Any secured party who has a registered lien or security interest or a lien or security interest of which law enforcement has actual knowledge, if the identity of such secured party can be ascertained by the local law enforcement agency by making a good faith effort to ascertain the identity of such secured party as described in subsections (3) and (4) of this section;

(c) Any other bona fide lienholder or secured party or other person holding an interest in a vehicle, trailer or similar conveyance in the nature of a security interest of whom the local law enforcement agency has actual knowledge;

(d) Any person in possession of vehicle, trailer or similar conveyance subject to forfeiture at the time that it was seized.

(3) If the vehicle, trailer or similar conveyance is a motor vehicle, trailer or similar conveyance susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle, trailer or similar conveyance has been titled, the local law enforcement agency shall make inquiry of the Mississippi Department of Revenue as to what the records of the department show as to who is the record owner of the vehicle, trailer or similar conveyance and who, if anyone, holds any lien or security interest which affects the vehicle, trailer or similar conveyance.

(4) If the vehicle, trailer or similar conveyance is a motor vehicle, trailer or similar conveyance and is not titled in the State of Mississippi, then the local law enforcement agency shall attempt to ascertain the name and address of the person in whose name the vehicle, trailer or similar conveyance is

licensed, and if the vehicle, trailer or similar conveyance is licensed in a state which has in effect a certificate of title law, the local law enforcement agency shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle, trailer or similar conveyance and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device which affects the vehicle, trailer or similar conveyance.

(5) In the event the answer to an inquiry states that the record owner of the vehicle, trailer or similar conveyance is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, the local law enforcement agency shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the vehicle, trailer or similar conveyance in the nature of a security interest, to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.

(6) If the owner of the vehicle, trailer or similar conveyance cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the vehicle, trailer or similar conveyance subject to forfeiture at the time that it was seized and the owner of the vehicle, trailer or similar conveyance is unknown, the local law enforcement agency shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the vehicle, trailer or similar conveyance subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37, Mississippi Code of 1972, for publication of notice for attachments at law.

(7) No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by subsections (3) through (4) of this section shall be introduced into evidence at the hearing.

SECTION 5. (1) Except as otherwise provided in Section 2 of this Act, an owner of a vehicle, trailer or similar conveyance that has been seized shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the vehicle, trailer or similar conveyance is subject to forfeiture and forfeit the vehicle, trailer or similar conveyance to the local law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the local law enforcement agency or the owner of the vehicle, trailer or similar conveyance, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner.

(2) If the owner of the vehicle, trailer or similar conveyance has filed an answer denying that the vehicle, trailer or similar conveyance is subject to forfeiture, then the burden is on the petitioner to prove that the vehicle, trailer or similar conveyance is subject to forfeiture. However, if an answer has not been filed by the owner of the vehicle, trailer or similar conveyance, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the vehicle, trailer or similar conveyance is subject to forfeiture. The standard of proof placed upon the petitioner in regard to a vehicle, trailer or similar conveyance forfeited under the provisions of this article shall be by a preponderance of the evidence.

(3) At the hearing any claimant of any right, title or interest in the vehicle, trailer or similar conveyance may prove his lien, encumbrance, security interest, or other interest in the nature of a security interest, to be bona fide and created without knowledge or consent that the vehicle, trailer or similar conveyance was to be used so as to cause the vehicle, trailer or similar conveyance to be subject to forfeiture.

(4) If it is found that the vehicle, trailer or similar conveyance is subject to forfeiture, then the judge shall forfeit the vehicle, trailer or similar conveyance to the local law enforcement agency. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured

party, other person holding an interest in the vehicle, trailer or similar conveyance in the nature of a security interest or any holder of a bona fide encumbrance is greater than or equal to the present value of the vehicle, trailer or similar conveyance, the court shall order the vehicle, trailer or similar conveyance released to him. If such interest is less than the present value of the vehicle, trailer or similar conveyance and if the proof shows that the vehicle, trailer or similar conveyance is subject to forfeiture, the court shall order the vehicle, trailer or similar conveyance forfeited to the local law enforcement agency.

SECTION 6. (1) Any other vehicle, trailer or similar conveyance that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the chief law enforcement officer of the initiating law enforcement agency, or his designee, to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction in which said law enforcement agency is located. Such notices shall contain a description of the vehicle, trailer or similar conveyance to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the vehicle, trailer or similar conveyance present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be disposed of as follows:

(a) To any bona fide lienholder, secured party or other party holding an interest in the vehicle, trailer or similar conveyance in the nature of a security interest, to the extent of his interest; and

(b) The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall be divided, forwarded and deposited in the same manner set out in subsection (3) of this section.

(2) (a) Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes any vehicle, trailer or similar conveyance, that is described in subsection (1) of this section, that has been forfeited to the agency if it is free from any interest of a bona fide lienholder, secured party or other party who holds an

interest in the vehicle, trailer or similar conveyance in the nature of a security interest. Such county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the vehicle, trailer or similar conveyance can be released for its use. The law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it.

(b) (i) If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct.

(ii) If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.

(c) If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section 19-7-5 or in the manner provided by law for disposing of municipal vehicle, trailer or similar conveyance.

(3) Any vehicle, trailer or similar conveyance which is forfeited under this act, except as provided in subsections (1) and (2) of this section, shall be liquidated and, after deduction of court costs and the expenses of liquidation, the proceeds shall be divided and deposited as follows:

(a) In the event only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, one hundred percent (100%) of the proceeds shall be deposited and credited to the budget of the participating law enforcement agency.

(b) In the event more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, eighty percent (80%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and twenty percent (20%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the

other participating law enforcement agencies cannot agree on the division of their twenty percent (20%), a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.

(4) The Department of Revenue shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.

SECTION 7. The forfeiture procedure set forth in Sections 2 through 6 of this act are the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner.

SECTION 8. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1516

Description: Costs associated for care of certain delinquent children; require itemized bills be given to parents before requiring to pay.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 552

History of Actions:

1	01/21	(H) Referred To Youth and Family Affairs;
Judiciary B		
2	01/31	(H) DR - TSDP: YF To JB
3	02/05	(H) Title Suff Do Pass
4	02/13	(H) Read the Third Time
5	02/14	(H) Amended
6	02/14	(H) Passed As Amended {Vote}
7	02/20	(H) Transmitted To Senate
8	02/22	(S) Referred To Judiciary, Division B
9	03/05	(S) Title Suff Do Pass As Amended
10	03/12	(S) Amended
11	03/12	(S) Passed As Amended {Vote}
12	03/13	(S) Returned For Concurrence
13	03/14	(H) Decline to Concur/Invite Conf
14	03/26	(H) Conferees Named Hines, Thomas, Burnett
15	03/29	(S) Conferees Named Bryan, Wilemon, Watson
16	04/01	(S) Conference Report Filed
17	04/01	(H) Conference Report Filed
18	04/02	(H) Conference Report Adopted {Vote}
19	04/02	(S) Conference Report Adopted {Vote}
20	04/08	(H) Enrolled Bill Signed
21	04/08	(S) Enrolled Bill Signed
22	04/25	Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted* Voice Vote

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1516

Conference Reports:

Conference Report

Code Section: A 043-0021-0615

----- Additional Information -----

House Committee: Youth and Family Affairs, Judiciary B

Senate Committee: Judiciary, Division B

Principal Author: Hines

Title: AN ACT TO AMEND SECTION 43-21-615, MISSISSIPPI CODE OF 1972, TO REQUIRE BEFORE A PARENT PAYS CERTAIN COSTS FOR THE SUPPORT OF CERTAIN YOUTH WHO HAVE BEEN ADJUDICATED DELINQUENT, THE PARENT OF THE CHILD SHALL RECEIVE AN ITEMIZED BILL PERTAINING TO THE COSTS; TO REQUIRE THE YOUTH COURT TO PROVIDE AN OPPORTUNITY FOR THE PARENT TO REQUEST AN ADJUSTMENT OF SUCH COSTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Youth and Family Affairs; Judiciary B

By: Representative Hines

House Bill 1516

(As Sent to Governor)

AN ACT TO AMEND SECTION 43-21-615, MISSISSIPPI CODE OF 1972, TO REQUIRE BEFORE A PARENT PAYS CERTAIN COSTS FOR THE SUPPORT OF CERTAIN YOUTH WHO HAVE BEEN ADJUDICATED DELINQUENT, THE PARENT OF THE CHILD SHALL RECEIVE AN ITEMIZED BILL PERTAINING TO THE COSTS; TO REQUIRE THE YOUTH COURT TO PROVIDE AN OPPORTUNITY FOR THE PARENT TO REQUEST AN ADJUSTMENT OF SUCH COSTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-21-615, Mississippi Code of 1972, is amended as follows:

43-21-615. (1) The costs of conveying any child committed to any institution or agency shall be paid by the county or municipality from which the child is committed out of the general treasury of the county or municipality upon approval of the court. No compensation shall be allowed beyond the actual and necessary expenses of the child and the person actually conveying the child. In the case of a female child, the youth court shall designate some suitable woman to accompany her to the institution or agency.

(2) Whenever a child is adjudicated delinquent and committed by the youth court to the custody of any person or agency other than the custody of a state training school, the youth court, after giving the responsible parent or guardian a reasonable opportunity to be heard, may order that the parent or guardian pay, upon such terms or conditions as the youth court may direct, such sum or sums as will cover, in whole or in part, the support of the child including any necessary medical treatment. The parent shall be provided an itemized bill of all costs and shall be given an opportunity to request an adjustment of the costs. If the parent or guardian shall willfully fail or refuse to pay such sum, he may be proceeded against for contempt of court as provided in this chapter.

2013 GENERAL LAWS OF MISSISSIPPI HB 1516

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

Mississippi Legislature
2013 Regular Session

House Bill 1530

Description: School attendance and absenteeism; standardize for compulsory attendance law & ADA calculations under MAEP.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 559

History of Actions:

1	01/21	(H)	Referred To Appropriations
2	02/05	(H)	Title Suff Do Pass Comm Sub
3	02/12	(H)	Committee Substitute Adopted
4	02/12	(H)	Passed {Vote}
5	02/14	(H)	Transmitted To Senate
6	02/15	(S)	Referred To Appropriations
7	03/05	(S)	Title Suff Do Pass
8	03/13	(S)	Amended
9	03/13	(S)	Passed As Amended {Vote}
10	03/14	(S)	Returned For Concurrence
11	03/26	(H)	Decline to Concur/Invite Conf
12	03/27	(H)	Conferees Named Frierson, Moore, Dickson
13	04/01	(S)	Conferees Named Clarke, Burton, Tollison
14	04/01	(H)	Conference Report Filed
15	04/01	(S)	Conference Report Filed
16	04/02	(H)	Conference Report Adopted {Vote}
17	04/02	(S)	Conference Report Adopted {Vote}
18	04/03	(S)	Motion to Reconsider Entered
19	04/03	(S)	Motion to Reconsider Tabled
20	04/09	(S)	Enrolled Bill Signed
21	04/09	(H)	Enrolled Bill Signed
22	04/25		Approved by Governor

Amendments:

[S] Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1530

Conference Reports:

| Conference Report

Code Section: A 037-0013-0091, A 037-0151-0005

----- **Additional Information** -----

House Committee: Appropriations

Senate Committee: Appropriations

Principal Author: Gunn

Title: AN ACT TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A COMPULSORY-SCHOOL-AGE CHILD WHO IS ABSENT MORE THAN 37% OF THE INSTRUCTIONAL DAY MUST BE CONSIDERED ABSENT THE ENTIRE DAY; TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "MINIMUM SCHOOL TERM" AND "AVERAGE DAILY ATTENDANCE" AS SUCH TERMS ARE USED FOR DETERMINING ALLOCATIONS TO SCHOOL DISTRICTS UNDER THE ADEQUATE EDUCATION PROGRAM; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1530

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Appropriations

By: Representative Gunn

House Bill 1530

(As Sent to Governor)

AN ACT TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A COMPULSORY-SCHOOL-AGE CHILD WHO IS ABSENT MORE THAN 37% OF THE INSTRUCTIONAL DAY MUST BE CONSIDERED ABSENT THE ENTIRE DAY; TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "MINIMUM SCHOOL TERM" AND "AVERAGE DAILY ATTENDANCE" AS SUCH TERMS ARE USED FOR DETERMINING ALLOCATIONS TO SCHOOL DISTRICTS UNDER THE ADEQUATE EDUCATION PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-13-91, Mississippi Code of 1972, is amended as follows:

37-13-91. (1) This section shall be referred to as the "Mississippi Compulsory School Attendance Law."

(2) The following terms as used in this section are defined as follows:

(a) "Parent" means the father or mother to whom a child has been born, or the father or mother by whom a child has been legally adopted.

(b) "Guardian" means a guardian of the person of a child, other than a parent, who is legally appointed by a court of competent jurisdiction.

(c) "Custodian" means any person having the present care or custody of a child, other than a parent or guardian of the child.

(d) "School day" means not less than five (5) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.

(e) "School" means any public school in this state or any nonpublic school in this state which is in session each school year for at least one hundred eighty (180) school days, except that the "nonpublic" school term shall be the

number of days that each school shall require for promotion from grade to grade.

(f) "Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. Provided, however, that the parent or guardian of any child enrolled in a full-day public school kindergarten program shall be allowed to disenroll the child from the program on a one-time basis, and such child shall not be deemed a compulsory-school-age child until the child attains the age of six (6) years.

(g) "School attendance officer" means a person employed by the State Department of Education pursuant to Section 37-13-89.

(h) "Appropriate school official" means the superintendent of the school district, or his designee, or, in the case of a nonpublic school, the principal or the headmaster.

(i) "Nonpublic school" means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial and home instruction programs.

(3) A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:

(a) When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.

(b) When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children.

(c) When a compulsory-school-age child is being educated in a legitimate home instruction program.

The parent, guardian or custodian of a compulsory-school-age child described in this subsection, or the parent, guardian or custodian of a compulsory-school-age child attending any nonpublic school, or the appropriate school official for any or all children attending a nonpublic school shall complete a "certificate of enrollment" in order to facilitate the administration of this section.

The form of the certificate of enrollment shall be prepared by the Office of Compulsory School Attendance Enforcement of the State Department of Education and shall be designed to obtain the following information only:

(i) The name, address, telephone number and date of birth of the compulsory-school-age child;

(ii) The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;

(iii) A simple description of the type of education the compulsory-school-age child is receiving and, if the child is enrolled in a nonpublic school, the name and address of the school; and

(iv) The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all compulsory-school-age child or children attending a nonpublic school, the signature of the appropriate school official and the date signed.

The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section. However, in the event the child has been enrolled in a public school within fifteen (15) calendar days after the first day of the school year as required in subsection (6), the parent or custodian may, at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the

certificate of enrollment to the school attendance officer and be in compliance with this subsection.

For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

(4) An "unlawful absence" is an absence for an entire school day or during part of a school day by a compulsory-school-age child, which absence is not due to a valid excuse for temporary nonattendance. For purposes of reporting absenteeism under subsection (6) of this section, if a compulsory-school-age child has an absence that is more than thirty-seven percent (37%) of the instructional day, as fixed by the school board for the school at which the compulsory-school-age child is enrolled, the child must be considered absent the entire school day. Days missed from school due to disciplinary suspension shall not be considered an "excused" absence under this section. This subsection shall not apply to children enrolled in a nonpublic school.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

(a) An absence is excused when the absence results from the compulsory-school-age child's attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may include field trips, athletic contests, student conventions, musical festivals and any similar activity.

(b) An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

(c) An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

(d) An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse,

grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

(f) An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

(g) An absence may be excused if the religion to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

(h) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

(i) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

(5) Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished in accordance with Section 97-5-39.

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent or his designee shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451

or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

(8) The State Board of Education shall adopt rules and regulations for the purpose of reprimanding any school superintendents who fail to timely report unexcused absences under the provisions of this section.

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.

SECTION 2. Section 37-151-5, Mississippi Code of 1972, is amended as follows:

37-151-5. As used in Sections 37-151-5 and 37-151-7:

(a) "Adequate program" or "adequate education program" or "Mississippi Adequate Education Program (MAEP)" shall mean the program to establish adequate current operation funding levels necessary for the programs of such school district to meet at least a successful Level III rating of the accreditation

system as established by the State Board of Education using current statistically relevant state assessment data.

(b) "Educational programs or elements of programs not included in the adequate education program calculations, but which may be included in appropriations and transfers to school districts" shall mean:

(i) "Capital outlay" shall mean those funds used for the constructing, improving, equipping, renovating or major repairing of school buildings or other school facilities, or the cost of acquisition of land whereon to construct or establish such school facilities.

(ii) "Pilot programs" shall mean programs of a pilot or experimental nature usually designed for special purposes and for a specified period of time other than those included in the adequate education program.

(iii) "Adult education" shall mean public education dealing primarily with students above eighteen (18) years of age not enrolled as full-time public school students and not classified as students of technical schools, colleges or universities of the state.

(iv) "Food service programs" shall mean those programs dealing directly with the nutritional welfare of the student, such as the school lunch and school breakfast programs.

(c) "Base student" shall mean that student classification that represents the most economically educated pupil in a school system meeting the definition of successful, as determined by the State Board of Education.

(d) "Base student cost" shall mean the funding level necessary for providing an adequate education program for one (1) base student, subject to any minimum amounts prescribed in Section 37-151-7(1).

(e) "Add-on program costs" shall mean those items which are included in the adequate education program appropriations and are outside of the program calculations:

(i) "Transportation" shall mean transportation to and from public schools for the students of Mississippi's public schools provided for under law and funded from state funds.

(ii) "Vocational or technical education program" shall mean a secondary vocational or technical program approved by

the State Department of Education and provided for from state funds.

(iii) "Special education program" shall mean a program for exceptional children as defined and authorized by Sections 37-23-1 through 37-23-9, and approved by the State Department of Education and provided from state funds.

(iv) "Gifted education program" shall mean those programs for the instruction of intellectually or academically gifted children as defined and provided for in Section 37-23-175 et seq.

(v) "Alternative school program" shall mean those programs for certain compulsory-school-age students as defined and provided for in Sections 37-13-92 and 37-19-22.

(vi) "Extended school year programs" shall mean those programs authorized by law which extend beyond the normal school year.

(vii) "University-based programs" shall mean those university-based programs for handicapped children as defined and provided for in Section 37-23-131 et seq.

(viii) "Bus driver training" programs shall mean those driver training programs as provided for in Section 37-41-1.

(f) "Teacher" shall include any employee of a local school who is required by law to obtain a teacher's license from the State Board of Education and who is assigned to an instructional area of work as defined by the State Department of Education.

(g) "Principal" shall mean the head of an attendance center or division thereof.

(h) "Superintendent" shall mean the head of a school district.

(i) "School district" shall mean any type of school district in the State of Mississippi, and shall include agricultural high schools.

(j) "Minimum school term" shall mean a term of at least one hundred eighty (180) days of school in which both teachers and pupils are in regular attendance for scheduled classroom instruction for not less than * * * sixty-three percent (63%) of the * * * instructional day, as fixed by the local school board for each school in the school district. It is the intent

of the Legislature that any tax levies generated to produce additional local funds required by any school district to operate school terms in excess of one hundred seventy-five (175) days shall not be construed to constitute a new program for the purposes of exemption from the limitation on tax revenues as allowed under Sections 27-39-321 and 37-57-107 for new programs mandated by the Legislature.

(k) The term "transportation density" shall mean the number of transported children in average daily attendance per square mile of area served in a school district, as determined by the State Department of Education.

(l) The term "transported children" shall mean children being transported to school who live within legal limits for transportation and who are otherwise qualified for being transported to school at public expense as fixed by Mississippi state law.

(m) The term "year of teaching experience" shall mean nine (9) months of actual teaching in the public or private schools. In no case shall more than one (1) year of teaching experience be given for all services in one (1) calendar or school year. In determining a teacher's experience, no deduction shall be made because of the temporary absence of the teacher because of illness or other good cause, and the teacher shall be given credit therefor. Beginning with the 2003-2004 school year, the State Board of Education shall fix a number of days, not to exceed forty-five (45) consecutive school days, during which a teacher may not be under contract of employment during any school year and still be considered to have been in full-time employment for a regular scholastic term. If a teacher exceeds the number of days established by the State Board of Education that a teacher may not be under contract but may still be employed, that teacher shall not be credited with a year of teaching experience. In determining the experience of school librarians, each complete year of continuous, full-time employment as a professional librarian in a public library in this or some other state shall be considered a year of teaching experience. If a full-time school administrator returns to actual teaching in the public schools, the term "year of teaching experience" shall include the period of time he or she served as a school administrator. In determining the salaries of teachers who have experience in any branch of the military, the term "year

of teaching experience" shall include each complete year of actual classroom instruction while serving in the military. In determining the experience of speech-language pathologists and audiologists, each complete year of continuous full-time post master's degree employment in an educational setting in this or some other state shall be considered a year of teaching experience. Provided, however, that school districts are authorized, in their discretion, to negotiate the salary levels applicable to certificated employees employed after July 1, 2009, who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(n) (i) The term "average daily attendance" shall be the figure which results when the total aggregate full-day attendance during the period or months counted is divided by the number of days during the period or months counted upon which both teachers and pupils are in regular attendance for scheduled classroom instruction, unless a pupil's absence is excused due to participation in an activity authorized by the State Board of Education under subparagraph (ii) of this paragraph, less the average daily attendance for self-contained special education classes * * *. For purposes of determining and reporting attendance, a pupil must be present for at least sixty-three percent (63%) of the instructional day, as fixed by the local school board for each school in the school district, in order to be considered in full-day attendance. Prior to full implementation of the adequate education program the department shall deduct the average daily attendance for the alternative school program provided for in Section 37-19-22.

(ii) The State Board of Education shall define those activities necessitating a pupil's absence that, for purposes of determining and reporting attendance for average daily attendance purposes, must be considered an excused absence. Such activities include, but are not limited to: official organized events sponsored by the 4-H or Future Farmers of America (FFA); official organized junior livestock shows and rodeo events; official employment as a page at the State Capitol for the Mississippi House of Representatives or Senate; subject-matter field trips; athletic contests; student conventions; music festivals or contests; and any similar school-related activity designated by the State Board of

2013 GENERAL LAWS OF MISSISSIPPI HB 1530

Education. The State Board of Education shall prescribe the means by which a pupil's absence due to participation in an activity authorized by the board pursuant to this subparagraph must be verified. This subparagraph (ii) shall stand repealed on July 1, 2016.

(o) The term "local supplement" shall mean the amount paid to an individual teacher over and above the adequate education program salary schedule for regular teaching duties.

(p) The term "aggregate amount of support from ad valorem taxation" shall mean the amounts produced by the district's total tax levies for operations.

(q) The term "adequate education program funds" shall mean all funds, both state and local, constituting the requirements for meeting the cost of the adequate program as provided for in Section 37-151-7.

(r) "Department" shall mean the State Department of Education.

(s) "Commission" shall mean the Mississippi Commission on School Accreditation created under Section 37-17-3.

(t) The term "successful school district" shall mean a Level III school district as designated by the State Board of Education using current statistically relevant state assessment data.

(u) "Dual enrollment-dual credit programs" shall mean programs for potential or recent high school student dropouts to dually enroll in their home high school and a local community college in a dual credit program consisting of high school completion coursework and a credential, certificate or degree program at the community college, as provided in Section 37-15-38(19).

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

Mississippi Legislature
2013 Regular Session

House Bill 1538

Description: Memorial highway; designate segments of Interstate 59 in Jones County as "Arwillla Huff Davison Memorial Highway".

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 544

History of Actions:

- 1 01/21 (H) Referred To Transportation
- 2 01/31 (H) Title Suff Do Pass Comm Sub
- 3 02/13 (H) Read the Third Time
- 4 02/14 (H) Committee Substitute Adopted
- 5 02/14 (H) Amended
- 6 02/14 (H) Passed As Amended {Vote}
- 7 02/20 (H) Transmitted To Senate
- 8 02/22 (S) Referred To Highways and Transportation
- 9 02/26 (S) Title Suff Do Pass
- 10 03/12 (S) Amended
- 11 03/12 (S) Passed As Amended {Vote}
- 12 03/13 (S) Returned For Concurrence
- 13 03/14 (H) Decline to Concur/Invite Conf
- 14 03/25 (H) Conferees Named Johnson, Scott, Coleman
(29th)
- 15 03/29 (S) Conferees Named Simmons
(13th), Hudson, Horhn
- 16 03/31 (S) Conference Report Filed
- 17 03/31 (H) Conference Report Filed
- 18 04/01 (H) Conference Report Adopted {Vote}
- 19 04/03 (S) Conference Report Adopted {Vote}
- 20 04/08 (H) Enrolled Bill Signed
- 21 04/08 (S) Enrolled Bill Signed
- 22 04/25 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)*Adopted* Voice Vote

[S] Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1538

Conference Reports:

| Conference Report •

Code Section: A 065-0003-0071.88

----- Additional Information -----

House Committee: Transportation

Senate Committee: Highways and Transportation

Principal Author: Scott

Title: AN ACT TO DESIGNATE A CERTAIN SEGMENT OF INTERSTATE HIGHWAY 59 LOCATED IN JONES COUNTY AND THE CITY OF LAUREL AS THE “ARWILLA HUFF DAVISON MEMORIAL HIGHWAY”; TO AMEND SECTION 65-3-71.88, MISSISSIPPI CODE OF 1972, TO REVISE THE “LANCE CORPORAL/ROY M. WHEAT MEMORIAL HIGHWAY”; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI HB 1538

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Transportation

By: Representative Scott

House Bill 1538

(As Sent to Governor)

AN ACT TO DESIGNATE A CERTAIN SEGMENT OF INTERSTATE HIGHWAY 59 LOCATED IN JONES COUNTY AND THE CITY OF LAUREL AS THE "ARWILLA HUFF DAVISON MEMORIAL HIGHWAY"; TO AMEND SECTION 65-3-71.88, MISSISSIPPI CODE OF 1972, TO REVISE THE "LANCE CORPORAL/ROY M. WHEAT MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) That portion of Interstate Highway 59 located in Jones County from the Jones/Jasper County line southerly to the Beacon Street exit within the City of Laurel is designated and shall be known as the "Arwillla Huff Davison Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs, both within Jones County and within the City of Laurel, along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. Section 65-3-71.88, Mississippi Code of 1972, is amended as follows:

65-3-71.88. (1) That portion of Interstate Highway 59 located in Forrest County and in Jones * * * County from the Forrest/Jones County line northerly to its intersection with 16th Street within the City of Laurel is designated and shall be known as the "Lance Corporal Roy M. Wheat Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 3. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

House Bill 1685

Description: Mississippi Alternative Fuel School Bus and Motor Vehicle Revolving Loan Fund; create and authorize issuance of bonds for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: Revenue

Revenue: Yes

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 535

History of Actions:

- 1 02/18 (H) Referred To Ways and Means
- 2 02/20 (H) Title Suff Do Pass Comm Sub
- 3 02/25 (H) Committee Substitute Adopted
- 4 02/25 (H) Passed {Vote}
- 5 02/27 (H) Transmitted To Senate
- 6 02/27 (S) Referred To Energy; Finance
- 7 02/28 (S) DR - TSDPAA: EN To FI
- 8 03/14 (S) DR - TSDPAA: FI To EN
- 9 03/15 (S) Title Suff Do Pass As Amended
- 10 03/18 (S) Amended
- 11 03/18 (S) Passed As Amended {Vote}
- 12 03/19 (S) Returned For Concurrence
- 13 03/20 (H) Decline to Concur/Invite Conf
- 14 03/26 (H) Conferees Named Smith (39th), Rogers
(61st), Chism
- 15 03/29 (S) Conferees Named Burton, Fillingane, Harkins
- 16 03/30 (H) Conference Report Filed
- 17 03/30 (S) Conference Report Filed
- 18 03/31 (S) Conference Report Adopted {Vote}
- 19 04/01 (H) Conference Report Adopted {Vote}
- 20 04/04 (H) Enrolled Bill Signed
- 21 04/05 (S) Enrolled Bill Signed
- 22 04/23 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1685

Conference Reports:

Conference Report

----- **Additional Information** -----

House Committee: Ways and Means

Senate Committee: Energy, Finance

Principal Author: Smith (39th)

Title: AN ACT TO CREATE THE “MISSISSIPPI ALTERNATIVE FUEL SCHOOL BUS AND MUNICIPAL MOTOR VEHICLE REVOLVING LOAN FUND” AS A SPECIAL FUND IN THE STATE TREASURY; TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL USE MONIES IN THE SPECIAL FUND FOR THE PURPOSE OF ESTABLISHING A REVOLVING LOAN PROGRAM TO ASSIST PUBLIC SCHOOL DISTRICTS AND MUNICIPALITIES IN PAYING COSTS INCURRED FOR THE PURCHASE OF ALTERNATIVE FUEL SCHOOL BUSES AND MOTOR VEHICLES, THE CONVERSION OF SCHOOL BUSES AND MOTOR VEHICLES TO UTILIZE ALTERNATIVE FUELS AND FOR ALTERNATIVE FUEL SYSTEM EQUIPMENT AND FACILITIES; TO AUTHORIZE THE ISSUANCE OF \$2,750,000.00 OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE MISSISSIPPI ALTERNATIVE FUEL SCHOOL BUS AND MUNICIPAL MOTOR VEHICLE REVOLVING LOAN FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Ways and Means

By: Representative Smith (39th)

House Bill 1685

(As Sent to Governor)

AN ACT TO CREATE THE "MISSISSIPPI ALTERNATIVE FUEL SCHOOL BUS AND MUNICIPAL MOTOR VEHICLE REVOLVING LOAN FUND" AS A SPECIAL FUND IN THE STATE TREASURY; TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL USE MONIES IN THE SPECIAL FUND FOR THE PURPOSE OF ESTABLISHING A REVOLVING LOAN PROGRAM TO ASSIST PUBLIC SCHOOL DISTRICTS AND MUNICIPALITIES IN PAYING COSTS INCURRED FOR THE PURCHASE OF ALTERNATIVE FUEL SCHOOL BUSES AND MOTOR VEHICLES, THE CONVERSION OF SCHOOL BUSES AND MOTOR VEHICLES TO UTILIZE ALTERNATIVE FUELS AND FOR ALTERNATIVE FUEL SYSTEM EQUIPMENT AND FACILITIES; TO AUTHORIZE THE ISSUANCE OF \$2,750,000.00 OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE MISSISSIPPI ALTERNATIVE FUEL SCHOOL BUS AND MUNICIPAL MOTOR VEHICLE REVOLVING LOAN FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this subsection:

(a) "Alternative fuel" means compressed natural gas and liquefied natural gas, as defined in Section 27-59-3, and propane fuel when used as a fuel in a motor vehicle or motor vehicles on the highways of the state.

(b) "Alternative fuel school bus" means a school bus propelled by alternative fuel either as a dedicated alternative fuel vehicle, as a bi-fuel vehicle using alternative fuel as one of its fuels, or as a dual-fuel vehicle using alternative fuel as one of its fuels.

(c) "Conversion kit" means the fuel system equipment necessary in order to retrofit a motor vehicle propelled by gasoline, diesel or other fuel so that the motor vehicle may be converted or modified into an alternative fuel motor vehicle.

(d) "Cost of qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) The actual cost per school bus paid by the school district for the purchase and installation of qualified alternative fuel motor vehicle fuel property described in paragraph (1)(i) of this subsection.

(ii) The incremental cost per school bus paid by the school district upon the purchase of an OEM alternative fuel school bus for the qualified alternative fuel motor vehicle fuel property (including installation) described in paragraph (1)(ii) of this subsection.

(iii) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (1)(iii) of this subsection and its installation.

(iv) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (1)(iv) of this subsection and its construction and installation. The cost directly related to a refueling station shall not include costs associated with exploration and development activities necessary for severing natural resources from the soil or ground.

(e) "Fuel system equipment" means tanks, pumps, hoses, injectors, electronic controls and related supplies, materials, parts and components for the storage of alternative fuel as fuel for an alternative fuel school bus, the delivery of alternative fuel to the engine of an alternative fuel school bus, and the exhaust from an alternative fuel school bus of gases from combustion of alternative fuel used to propel an alternative fuel school bus, excluding equipment necessary for operation of a school bus on gasoline, diesel or any fuel other than alternative fuel.

(f) "Incremental cost" means:

(i) The stated MSRP of the fuel system equipment and its installation for an OEM alternative fuel school bus; or

(ii) If no separate MSRP is stated, the difference between the MSRP of the OEM alternative fuel school bus and the MSRP of the same make and model of school bus manufactured without the fuel system equipment but otherwise identically equipped.

When an OEM alternative fuel school bus is sold for less (or more) than its MSRP, the amount determined in subparagraph (i) or (ii) of this paragraph (f) shall be proportionately

reduced (or increased) by the same percentage as the discount (or premium) on the MSRP, as applicable.

(g) "School district" means a public school district.

(h) "OEM alternative fuel motor vehicle" means an alternative fuel school bus manufactured by the original vehicle manufacturer (or its contractor) with the fuel system equipment installed as original equipment by the manufacturer (or its contractor) at the factory or at another installation site approved by the manufacturer (or its contractor).

(i) "Motor vehicle" shall have the meaning ascribed to such term in Section 27-59-3.

(j) "MSRP" means manufacturer's suggested retail price.

(k) "Original purchase" means the purchase directly from a dealer at retail of a new OEM alternative fuel school bus which has never been titled.

(l) "Qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) A conversion kit which has not previously been used to retrofit any motor vehicle and is installed and results in a reduction in emissions.

(ii) The fuel system equipment on an OEM alternative fuel school bus which results in a reduction in emissions.

(iii) A refueling system installed at a governmental entity location for the nonpublic refueling with alternative fuel of the governmental entity's alternative fuel school buses.

(iv) A refueling station located in the state and operated by a school district for refueling of alternative fuel motor vehicles owned by the school district.

(v) Upgrades to a refueling system included in subparagraphs (iii) and (iv) of this paragraph (l).

(vi) Portable or mobile refueling systems.

(m) "Reduction in emissions" means a reduction in atmospheric emissions from fuel consumption by an alternative fuel motor vehicle as demonstrated by certification of the fuel system equipment by the federal Environmental Protection Agency or the Mississippi Department of Environmental Quality or any other test or standard recognized by the Mississippi Department of Environmental Quality.

(n) "Refueling system" means compressors (whether used separately or in combination with cascade tanks), process piping, hoses, dispensing units at the point where alternative fuel is delivered as a fuel, meters and other parts and equipment and installation supplies and materials therefor that constitute a refueling system capable of dispensing alternative fuel into fuel tanks of alternative fuel motor vehicles for use as a fuel.

(o) "Refueling station" means property constituting a facility operated for dispensing alternative fuel into fuel tanks of alternative fuel motor vehicles, which shall include:

(i) A refueling system; and

(ii) A building or other structural components constructed or installed as part of and directly related to such refueling system.

(p) "Retrofit" means the installation of a conversion kit in a school bus designed to operate on gasoline, diesel or other fuel in order to convert or modify the bus vehicle into an alternative fuel school bus.

(q) "School bus" means a vehicle owned by a school district that is primarily used by the school district to transport students.

(2) As used in this subsection:

(a) "Alternative fuel" means compressed natural gas and liquefied natural gas, as defined in Section 27-59-3, and propane fuel when used as a fuel in a motor vehicle or motor vehicles on the highways of the state.

(b) "Conversion kit" means the fuel system equipment necessary in order to retrofit a motor vehicle propelled by gasoline, diesel or other fuel so that the motor vehicle may be converted or modified into an alternative fuel motor vehicle.

(c) "Cost of qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) The actual cost per vehicle paid by the municipality for the purchase and installation of qualified alternative fuel motor vehicle fuel property described in paragraph (1) (i) of this subsection.

(ii) The incremental cost per vehicle paid by the municipality upon the purchase of an OEM alternative fuel motor vehicle for the qualified alternative fuel motor vehicle fuel property (including installation) described in paragraph (1)(ii) of this subsection.

(iii) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (1)(iii) of this subsection and its installation.

(iv) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (1)(iv) of this subsection and its construction and installation. The cost directly related to a refueling station shall not include costs associated with exploration and development activities necessary for severing natural resources from the soil or ground.

(d) "Fuel system equipment" means tanks, pumps, hoses, injectors, electronic controls and related supplies, materials, parts and components for the storage of alternative fuel as fuel for an alternative fuel motor vehicle, the delivery of alternative fuel to the engine of an alternative fuel motor vehicle, and the exhaust from an alternative fuel motor vehicle of gases from combustion of alternative fuel used to propel an alternative fuel motor vehicle, excluding equipment necessary for operation of a motor vehicle on gasoline, diesel or any fuel other than alternative fuel.

(e) "Incremental cost" means:

(i) The stated MSRP of the fuel system equipment and its installation for an OEM alternative fuel motor vehicle; or

(ii) If no separate MSRP is stated, the difference between the MSRP of the OEM alternative fuel motor vehicle and the MSRP of the same make and model of motor vehicle manufactured without the fuel system equipment but otherwise identically equipped.

When an OEM alternative fuel motor vehicle is sold for less (or more) than its MSRP, the amount determined in subparagraph (i) or (ii) of this paragraph (e) shall be proportionately reduced (or increased) by the same percentage as the discount (or premium) on the MSRP, as applicable.

(f) "Municipality" means an incorporated city, town or village in the State of Mississippi.

(g) "OEM alternative fuel motor vehicle" means an alternative fuel motor vehicle manufactured by the original vehicle manufacturer (or its contractor) with the fuel system equipment installed as original equipment by the manufacturer (or its contractor) at the factory or at another installation site approved by the manufacturer (or its contractor).

(h) "Motor vehicle" shall have the meaning ascribed to such term in Section 27-59-3.

(i) "MSRP" means manufacturer's suggested retail price.

(j) "Alternative fuel motor vehicle" means a motor vehicle propelled by alternative fuel either as a dedicated alternative fuel vehicle, as a bi-fuel vehicle using alternative fuel as one of its fuels, or as a dual fuel vehicle using alternative fuel as one of its fuels.

(k) "Original purchase" means the purchase directly from a dealer at retail of a new OEM alternative fuel motor vehicle which has never been titled.

(l) "Qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) A conversion kit which has not previously been used to retrofit any motor vehicle and is installed and results in a reduction in emissions.

(ii) The fuel system equipment on an OEM alternative fuel motor vehicle which results in a reduction in emissions.

(iii) A refueling system installed at a municipality location for the nonpublic refueling with alternative fuel of the municipality's alternative fuel motor vehicles.

(iv) A refueling station located in the state and operated by a municipality for refueling of alternative fuel motor vehicles owned by the municipality.

(v) Upgrades to a refueling system included in subparagraphs (iii) and (iv) of this paragraph (l).

(vi) Portable or mobile refueling systems.

(m) "Reduction in emissions" means a reduction in atmospheric emissions from fuel consumption by an alternative fuel motor vehicle as demonstrated by certification of the fuel system equipment by the federal Environmental Protection

Agency or the Mississippi Department of Environmental Quality or any other test or standard recognized by the Mississippi Department of Environmental Quality.

(n) "Refueling system" means compressors (whether used separately or in combination with cascade tanks), process piping, hoses, dispensing units at the point where alternative fuel is delivered as a fuel, meters and other parts and equipment and installation supplies and materials therefor that constitute a refueling system capable of dispensing alternative fuel into fuel tanks of alternative fuel motor vehicles for use as a fuel.

(o) "Refueling station" means property constituting a facility operated for dispensing alternative fuel into fuel tanks of alternative fuel motor vehicles, which shall include:

(i) A refueling system; and

(ii) A building or other structural components constructed or installed as part of and directly related to such refueling system.

(p) "Retrofit" means the installation of a conversion kit in a motor vehicle designed to operate on gasoline, diesel or other fuel in order to convert or modify such motor vehicle into an alternative fuel motor vehicle.

(3) (a) The Mississippi Development Authority shall establish a revolving loan program to provide loans to (i) school districts for the purpose of assisting school districts with paying the cost of qualified alternative fuel motor vehicle fuel property and (ii) municipalities for the purpose of assisting municipalities with paying the cost of qualified alternative fuel motor vehicle fuel property. Loans made under this section shall bear no interest.

(b) A school district or municipality desiring a loan under this section must submit an application to the Mississippi Development Authority. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the loan requested; and

(iii) Any other information required by the Mississippi Development Authority.

(c) Repayments of loans made under this section shall be deposited to the credit of the Mississippi Alternative Fuel School Bus and Municipal Motor Vehicle Revolving Loan Fund.

(4) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Alternative Fuel School Bus and Municipal Motor Vehicle Revolving Loan Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the Mississippi Development Authority for the purposes described in this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing loans under this section through the use of general obligation bonds. Monies authorized for a particular loan may not be used to reimburse administrative costs for unrelated loans. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(4) The Mississippi Development Authority shall have all powers necessary to implement and administer the program established under this section, and the Mississippi Development Authority shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

SECTION 2. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) The Mississippi Development Authority, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the grant program authorized in Section 1 of this act. Upon the adoption of a resolution by the Mississippi Development Authority, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000.00). No bonds authorized under this section shall be issued after July 1, 2017.

(b) The proceeds of bonds issued pursuant to this section shall be deposited into the Mississippi Alternative Fuel School Bus and Municipal Motor Vehicle Revolving Loan Fund created pursuant to Section 1 of this act. Any investment earnings on bonds issued pursuant to this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(3) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges,

and shall be substantially in such form, all as shall be determined by resolution of the commission.

(4) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(5) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(6) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing

on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(7) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the Mississippi Alternative Fuel School Bus and Municipal Motor Vehicle Revolving Loan Fund created in Section 1 of this act. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such

bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

House Bill 1698

Description: Severance tax; reduce for 24 months for oil and gas produced from and after July 1, 2013, from horizontally drilled wells.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: Revenue

Revenue: Yes

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 533

History of Actions:

- 1 02/26 (H) Referred To Energy
- 2 02/27 (H) Title Suff Do Pass Comm Sub
- 3 02/27 (H) Committee Substitute Adopted
- 4 02/27 (H) Passed {Vote}
- 5 03/01 (H) Transmitted To Senate
- 6 03/04 (S) Referred To Energy; Finance
- 7 03/14 (S) DR - TSDPAA: EN To FI
- 8 03/14 (S) Title Suff Do Pass As Amended
- 9 03/18 (S) Amended
- 10 03/18 (S) Passed As Amended {Vote}
- 11 03/19 (S) Returned For Concurrence
- 12 03/21 (H) Decline to Concur/Invite Conf
- 13 03/25 (H) Conferees Named Cockerham, Smith
- (39th), Staples
- 14 03/29 (S) Conferees Named Burton, Fillingane, Butler
- (38th)
- 15 03/30 (S) Conference Report Filed
- 16 03/30 (H) Conference Report Filed
- 17 03/31 (H) Recommitted For Further Conf
- 18 03/31 (S) Recommitted For Further Conf
- 19 03/31 (S) Conference Report Filed
- 20 03/31 (H) Conference Report Filed
- 21 04/01 (S) Conference Report Adopted {Vote}
- 22 04/01 (H) Conference Report Adopted {Vote}

23 04/10 (H) Enrolled Bill Signed
24 04/10 (S) Enrolled Bill Signed
25 04/23 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for House Bill No. 1698

Conference Reports:

| Conference Report

| Conference Report # 2

Code Section: A 027-0025-0501, A 027-0025-0503, A 027-0025-0505, A 027-0025-0701,
A 027-0025-0703, A 027-0025-0705

----- Additional Information -----

House Committee: Energy

Senate Committee: Energy, Finance

Principal Author: Cockerham

Additional Authors: Staples, Myers

Title: AN ACT TO AMEND SECTIONS 27-25-501, 27-25-503, 27-25-505, 27-25-701, 27-25-703 AND 27-25-705, MISSISSIPPI CODE OF 1972, TO REDUCE THE SEVERANCE TAX ON OIL AND NATURAL GAS PRODUCED FROM HORIZONTALLY DRILLED WELLS OR HORIZONTALLY DRILLED RECOMPLETION WELLS FROM WHICH PRODUCTION COMMENCES FROM AND AFTER JULY 1, 2013, FOR A PERIOD OF 30 MONTHS BEGINNING ON THE DATE OF FIRST SALE OF PRODUCTION; TO PROVIDE THAT THE REVENUE FROM SUCH REDUCED TAX SHALL BE APPORTIONED TO THE COUNTY IN WHICH THE OIL OR NATURAL GAS WAS PRODUCED; TO AUTHORIZE COUNTIES TO ENTER INTO ROAD MAINTENANCE AGREEMENTS WITH TAXPAYERS ELIGIBLE FOR SUCH REDUCED SALES TAX WHEREBY THE TAXPAYER REPAIRS OR PAYS THE COST OF REPAIRING COUNTY ROADS DAMAGED AS A RESULT OF DRILLING ACTIVITY CONDUCTED BY THE TAXPAYER; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Energy

By: Representatives Cockerham, Staples, Myers

House Bill 1698

(As Sent to Governor)

AN ACT TO AMEND SECTIONS 27-25-501, 27-25-503, 27-25-505, 27-25-701, 27-25-703 AND 27-25-705, MISSISSIPPI CODE OF 1972, TO REDUCE THE SEVERANCE TAX ON OIL AND NATURAL GAS PRODUCED FROM HORIZONTALLY DRILLED WELLS OR HORIZONTALLY DRILLED RECOMPLETION WELLS FROM WHICH PRODUCTION COMMENCES FROM AND AFTER JULY 1, 2013, FOR A PERIOD OF 30 MONTHS BEGINNING ON THE DATE OF FIRST SALE OF PRODUCTION; TO PROVIDE THAT THE REVENUE FROM SUCH REDUCED TAX SHALL BE APPORTIONED TO THE COUNTY IN WHICH THE OIL OR NATURAL GAS WAS PRODUCED; TO AUTHORIZE COUNTIES TO ENTER INTO ROAD MAINTENANCE AGREEMENTS WITH TAXPAYERS ELIGIBLE FOR SUCH REDUCED SALES TAX WHEREBY THE TAXPAYER REPAIRS OR PAYS THE COST OF REPAIRING COUNTY ROADS DAMAGED AS A RESULT OF DRILLING ACTIVITY CONDUCTED BY THE TAXPAYER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-25-501, Mississippi Code of 1972, is amended as follows:

27-25-501. Whenever used in this article, the following words and terms shall have the definition and meaning ascribed to them in this section, unless the intention to give a more limited meaning is disclosed by the context:

(a) "Tax commission" or "department" means the Department of Revenue of the State of Mississippi.

(b) "Commissioner" means the Commissioner of Revenue of the Department of Revenue.

(c) "Annual" means the calendar year or the taxpayer's fiscal year when permission is obtained from the commissioner to use a fiscal year as a tax period in lieu of a calendar year.

(d) "Value" means the sale price, or market value, at the mouth of the well. If the oil is exchanged for something other than cash, or if there is no sale at the time of severance,

or if the relation between the buyer and the seller is such that the consideration paid, if any, is not indicative of the true value or market price, then the commissioner shall determine the value of the oil subject to tax, considering the sale price for cash of oil of like quality. With respect to salvaged crude oil as hereinafter defined, the term "value" shall mean the sale price or market value of such salvaged crude oil at the time of its sale after such salvaged crude oil has been processed or treated so as to render it marketable.

(e) "Taxpayer" means any person liable for the tax imposed by this article. With respect to the tax imposed upon salvaged crude oil as hereafter defined, the term "taxpayer" shall mean the person having title to the salvaged crude oil at the time it is being processed or treated so as to render it marketable.

(f) "Oil" means petroleum, other crude oil, natural gasoline, distillate, condensate, casinghead gasoline, asphalt or other mineral oil which is mined, or produced, or withdrawn from below the surface of the soil or water, in this state. Any type of salvaged crude oil which, after any treatment, becomes marketable shall be defined as crude oil which has been severed from the soil or water.

(g) "Severed" means the extraction or withdrawing from below the surface of the soil or water of any oil, whether such extraction or withdrawal shall be by natural flow, mechanically enforced flow, pumping or any other means employed to get the oil from below the surface of the soil or water, and shall include the withdrawing by any means whatsoever of oil upon which the tax has not been paid, from any surface reservoir, natural or artificial, or from a water surface. Provided, however, that in the case of salvaged crude oil, "severed" means the process of treating such oil so that it will become marketable and the time of severance shall occur upon completion of the treatment.

(h) "Person" means any natural person, firm, copartnership, joint venture, association, corporation, estate, trust or any other group, or combination acting as a unit, and the plural as well as the singular number.

(i) "Producer" means any person owning, controlling, managing or leasing any oil property, or oil well, and any person who produces in any manner any oil by taking it from the earth or water in this state, and shall include any

person owning any royalty or other interest in any oil or its value, whether produced by him, or by some other person on his behalf, either by lease contract or otherwise.

(j) "Engaging in business" means any act or acts engaged in (personal- or corporate) by producers, or parties at interest, the result of which, oil is severed from the soil or water, for storage, transport or manufacture, or by which there is an exchange of money, or goods, or thing of value, for oil which has been or is in process of being severed, from the soil or water.

(k) "Barrel" for oil measurement, means a barrel of forty-two (42) United States gallons of two hundred thirty-one (231) cubic inches per gallon, computed at a temperature of sixty (60) degrees Fahrenheit.

(l) "Production" means the total gross amount of oil produced, including all royalty or other interest; that is, the amount for the purpose of the tax imposed by this article shall be measured or determined by tank tables compiled to show one hundred percent (100%) of the full capacity of tanks without deduction for overage or losses in handling. Allowance for any reasonable and bona fide deduction for basic sediment and water, and for correction of temperature to sixty (60) degrees Fahrenheit will be allowed. If the amount of oil produced has been measured or determined by tank tables compiled to show less than one hundred percent (100%) of the full capacity of tanks, then such amount shall be raised to a basis by one hundred percent (100%) for the purpose of the tax imposed by this article.

(m) "Gathering system" means the pipelines, pumps and other property used in gathering oil from the property on which it is produced, the tanks used for storage at a central place, loading racks and equipment for loading oil into tank cars or other transporting media, and all other equipment and appurtenances necessary to a gathering system for transferring oil into trunk pipelines.

(n) "Discovery well" means any well producing oil from a single pool in which a well has not been previously produced in paying quantities after testing.

(o) "Development wells" means all oil producing wells other than discovery wells and replacement wells.

(p) "Replacement well" means a well drilled on a drilling and/or production unit to replace another well which is drilled in the same unit and completed in the same pool.

(q) "Three-dimensional seismic" means data which is regularly organized in three (3) orthogonal directions and thus suitable for interpretation with a three-dimensional software package on an interactive work station.

(r) "Two-year inactive well" means any oil or gas well certified by the State Oil and Gas Board as having not produced oil or gas in more than a total of thirty (30) days during a twelve-consecutive-month period in the two (2) years before the date of certification.

(s) "Horizontally drilled well" means a well in which the deviation of the borehole is at least eighty degrees (80°) from vertical so that the borehole penetrates a productive formation in a manner parallel to the formation and in which there is at least one thousand (1,000) feet of lateral penetration through productive reservoirs.

(t) "Horizontally drilled recompletion well" means an existing well in which the deviation of the borehole is at least eighty degrees (80°) from vertical so that the borehole penetrates a productive formation in a manner parallel to the formation and in which there is at least one thousand (1,000) feet of lateral penetration through productive reservoirs.

SECTION 2. Section 27-25-503, Mississippi Code of 1972, is amended as follows:

27-25-503. (1) (a) Except as otherwise provided * * * in this section, there is * * * levied, to be collected * * * as provided * * * in this article, annual privilege taxes upon every person engaging or continuing within this state in the business of producing, or severing oil * * * from the soil or water for sale, transport, storage, profit or for commercial use. The amount of * * * the tax shall be measured by the value of the oil produced, and shall be levied and assessed at the rate of six percent (6%) of the value * * * of the oil at the point of production.

(b) * * * The tax shall be levied and assessed at the rate of three percent (3%) of the value of the oil at the point of production on oil produced by an enhanced oil recovery method in which carbon dioxide is used; provided, that such carbon dioxide is transported by pipeline to the oil well site and

on oil produced by any other enhanced oil recovery method approved and permitted by the State Oil and Gas Board on or after April 1, 1994, pursuant to Section 53-3-101 et seq.

(c) (i) The tax shall be levied and assessed at the rate of one and three-tenths percent (1.3%) of the value of the oil at the point of production on oil produced from a horizontally drilled well or from any horizontally drilled recompletion well from which production commences from and after July 1, 2013, for a period of thirty (30) months beginning on the date of first sale of production or until payout of the well cost is achieved, whichever first occurs. Thereafter, the tax shall be levied and assessed as provided for in paragraph (a) of this subsection.

(ii) Payout of a horizontally drilled well or horizontally drilled recompletion well shall be deemed to have occurred the first day of the next month after gross revenues, less royalties and severance taxes, equal to the cost to drill and complete the well.

(iii) Each operator must apply by letter to the State Oil and Gas Board for the reduced rate provided in this paragraph (c), and shall provide the board with the status of payout on a semiannual basis of any horizontally drilled well or horizontally drilled recompletion well by signed affidavit executed by a company representative.

(iv) This paragraph (c) shall be repealed from and after July 1, 2018; however, any horizontally drilled well or horizontally drilled recompletion well from which production commences before July 1, 2018, shall be taxed as provided for in this paragraph (c) notwithstanding that the repeal of this paragraph (c) has become effective.

(2) The tax is * * * levied upon the entire production in this state regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state, and the tax shall accrue at the time * * * the oil is severed from the soil, or water, and in its natural, unrefined or unmanufactured state.

(3) (a) Oil produced from a discovery well for which drilling or re-entry commenced on or after April 1, 1994, but before July 1, 1999, shall be exempt from the taxes levied under this section for a period of five (5) years beginning on the date of first sale of production from such well, provided that

the average monthly sales price of such oil does not exceed Twenty-five Dollars (\$25.00) per barrel. The exemption for oil produced from a discovery well as described in this paragraph (a) shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be exempt for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective. Oil produced from development wells or replacement wells drilled in connection with discovery wells for which drilling commenced on or after January 1, 1994, but before July 1, 1999, shall be assessed at the rate of three percent (3%) of the value of the oil at the point of production for a period of three (3) years. The reduced rate of assessment of oil produced from development wells or replacement wells as described in this paragraph (a) shall be repealed from and after January 1, 2003, provided that any such production for which drilling commenced before January 1, 2003, shall be assessed at the reduced rate for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(b) Oil produced from a discovery well for which drilling or re-entry commenced on or after July 1, 1999, shall be assessed at the rate of three percent (3%) of the value of the oil at the point of production for a period of five (5) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such oil does not exceed Twenty Dollars (\$20.00) per barrel. The reduced rate of assessment of oil produced from a discovery well as described in this paragraph (b) shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective. Oil produced from development wells or replacement wells drilled in connection with discovery wells for which drilling commenced on or after July 1, 1999, shall be assessed at the rate of three percent (3%) of the value of the oil at the point of production for a period of three (3) years. The reduced rate of assessment of oil produced from development wells or replacement wells as described in this paragraph (b) shall be repealed from and after January 1, 2003, provided that any such production for which drilling commenced before July 1, 2003, shall be

assessed at the reduced rate for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(4) (a) Oil produced from a development well for which drilling commenced on or after April 1, 1994, but before July 1, 1999, and for which three-dimensional seismic was utilized in connection with the drilling of such well shall be assessed at the rate of three percent (3%) of the value of the oil at the point of production for a period of five (5) years, provided that the average monthly sales price of such oil does not exceed Twenty-five Dollars (\$25.00) per barrel. The reduced rate of assessment of oil produced from a development well as described in this paragraph (a) and for which three-dimensional seismic was utilized shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective.

(b) Oil produced from a development well for which drilling commenced on or after July 1, 1999, and for which three-dimensional seismic was utilized in connection with the drilling of such well shall be assessed at the rate of three percent (3%) of the value of the oil at the point of production for a period of five (5) years, provided that the average monthly sales price of such oil does not exceed Twenty Dollars (\$20.00) per barrel. The reduced rate of assessment of oil produced from a development well as described in this paragraph (b) and for which three-dimensional seismic was utilized shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective.

(5) (a) Oil produced before July 1, 1999, from a two-year inactive well as defined in Section 27-25-501 shall be exempt from the taxes levied under this section for a period of three (3) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such oil does not exceed Twenty-five Dollars (\$25.00) per barrel. The exemption for oil produced from an

inactive well shall be repealed from and after July 1, 2003, provided that any such production which began before July 1, 2003, shall be exempt for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(b) Oil produced on or after July 1, 1999, from a two-year inactive well as defined in Section 27-25-501 shall be exempt from the taxes levied under this section for a period of three (3) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such oil does not exceed Twenty Dollars (\$20.00) per barrel. The exemption for oil produced from an inactive well shall be repealed from and after July 1, 2003, provided that any such production which began before July 1, 2003, shall be exempt for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(6) [Repealed]

(7) The State Oil and Gas Board shall have the exclusive authority to determine the qualification of wells defined in paragraphs (n) through (* * *t) of Section 27-25-501.

SECTION 3. Section 27-25-505, Mississippi Code of 1972, is amended as follows:

[With regard to any county which is exempt from the provisions of Section 19-2-3, this section shall read as follows:]

27-25-505. (1) All taxes * * * levied in this article and collected by the * * * Department of Revenue shall be paid into the State Treasury on the same day collected.

(2) Except as otherwise provided in this section, the commissioner shall apportion all* * * the tax collections made pursuant to this article to the state and to the county in which the oil was produced, in accordance with the following schedule and so certify such apportionment to the State Treasurer at the end of each month:

On the first Six Hundred Thousand Dollars (\$600,000.00) or any part thereof, sixty-six and two-thirds percent (66-2/3%) to the state and thirty-three and one-third percent (33-1/3%) to the county.

On the next Six Hundred Thousand Dollars (\$600,000.00) or any part thereof, ninety percent (90%) to the state and ten

percent (10%) to the county through June 30, 1989; eighty-five percent (85%) to the state and fifteen percent (15%) to the county from July 1, 1989, through June 30, 1990; and eighty percent (80%) to the state and twenty percent (20%) to the county for each fiscal year thereafter.

Above and exceeding One Million Two Hundred Thousand Dollars (\$1,200,000.00), ninety-five percent (95%) to the state and five percent (5%) to the county through June 30, 1989; ninety percent (90%) to the state and ten percent (10%) to the county from July 1, 1989, through June 30, 1990; and eighty-five percent (85%) to the state and fifteen percent (15%) to the county for each fiscal year thereafter.

(3) The state's share of all oil severance taxes collected pursuant to this * * * article shall be deposited as provided for in Section 27-25-506.

(4) The commissioner shall apportion all the tax collections made pursuant to Section 27-25-503(1)(c) to the county in which the oil was produced.

(5) The State Treasurer shall remit the county's share of * * * taxes collected pursuant to this article on or before the twentieth day of the month next succeeding the month in which * * * the collections were made, for division among the municipalities and taxing districts of the county. He shall accompany his remittance with a report to the county receiving * * * the funds prepared by the commissioner showing from whom * * * the tax was collected. Upon receipt of * * * the funds, the board of supervisors of * * * the county shall allocate the * * * funds to the municipalities and to the various maintenance and bond and interest funds of the county, school districts, supervisors districts and road districts, as * * * provided in this subsection.

When there* * * are any oil producing properties within the corporate limits of any municipality, then * * * the municipality shall participate in the division of the tax returned to the county in which the municipality is located, in the proportion which the tax on production of oil from any properties located within the municipal corporate limits bears to the tax on the total production of oil in the county. In no event, however, shall the amount allocated to municipalities exceed one-third (1/3) of the tax produced in the municipality and returned to the county. Any amount received by any municipality as a result of the allocation

* * * provided for in this subsection shall be used only for such purposes as are authorized by law.

The balance remaining of any amount of tax returned to the county after the allocation to municipalities shall be divided among the various maintenance and bond interest funds of the county, school districts, supervisors districts and road districts, in the discretion of the board of supervisors, and * * * the board shall make the division in consideration of the needs of the various taxing districts. The funds so allocated shall be used only for purposes as are authorized by law.

[With regard to any county which is required to operate on a countywide system of road administration as described in Section 19-2-3, this section shall read as follows:]

27-25-505. (1) All taxes * * * levied in this article and collected by the * * * Department of Revenue shall be paid into the State Treasury on the same day collected.

(2) Except as otherwise provided in this section, the commissioner shall apportion all * * * the tax collections made pursuant to this article to the state and to the county in which the oil was produced, in accordance with the following schedule and so certify such apportionment to the State Treasurer at the end of each month:

On the first Six Hundred Thousand Dollars (\$600,000.00) or any part thereof, sixty-six and two-thirds percent (66-2/3%) to the state and thirty-three and one-third percent (33-1/3%) to the county.

On the next Six Hundred Thousand Dollars (\$600,000.00) or any part thereof, ninety percent (90%) to the state and ten percent (10%) to the county through June 30, 1989; eighty-five percent (85%) to the state and fifteen percent (15%) to the county from July 1, 1989, through June 30, 1990; and eighty percent (80%) to the state and twenty percent (20%) to the county for each fiscal year thereafter.

Above and exceeding One Million Two Hundred Thousand Dollars (\$1,200,000.00), ninety-five percent (95%) to the state and five percent (5%) to the county through June 30, 1989; ninety percent (90%) to the state and ten percent (10%) to the county from July 1, 1989, through June 30, 1990; and eighty-five percent (85%) to the state and fifteen percent (15%) to the county for each fiscal year thereafter.

(3) The state's share of all oil severance taxes collected pursuant to this * * * article shall be deposited as provided for in Section 27-25-506.

(4) The commissioner shall apportion all the tax collections made pursuant to the tax levied in Section 27-25-503(1)(c) to the county in which the oil was produced.

(5) The State Treasurer shall remit the county's share of * * * the taxes collected pursuant to this article on or before the twentieth day of the month next succeeding the month in which * * * the collections were made, for division among the municipalities and taxing districts of the county. He shall accompany his remittance with a report to the county receiving * * * the funds prepared by the commissioner showing from whom * * * the tax was collected. Upon receipt of * * * the funds, the board of supervisors of * * * the county shall allocate the * * * funds to the municipalities and to the various maintenance and bond and interest funds of the county and school districts, as * * * provided in this subsection.

When there * * * are any oil producing properties within the corporate limits of any municipality, then * * * the municipality shall participate in the division of the tax returned to the county in which the municipality is located, in the proportion which the tax on production of oil from any properties located within the municipal corporate limits bears to the tax on the total production of oil in the county. In no event, however, shall the amount allocated to municipalities exceed one-third (1/3) of the tax produced in the municipality and returned to the county. Any amount received by any municipality as a result of the allocation * * * provided in this subsection shall be used only for such purposes as are authorized by law.

The balance remaining of any amount of tax returned to the county after the allocation to municipalities shall be divided among the various maintenance and bond interest funds of the county and school districts, in the discretion of the board of supervisors, and * * * the board shall make the division in consideration of the needs of the various taxing districts. The funds so allocated shall be used only for purposes as are authorized by law.

SECTION 4. Section 27-25-701, Mississippi Code of 1972, is amended as follows:

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27-25-701. Whenever used in this article, the following words and terms shall have the definition and meaning ascribed to them in this section, unless the intention to give a more limited meaning is disclosed by the context:

(a) "Tax commission" or "department" means the Department of Revenue of the State of Mississippi.

(b) "Commissioner" means the Commissioner of Revenue of the Department of Revenue.

(c) "Annual" means the calendar year or the taxpayer's fiscal year when permission is obtained from the commissioner to use a fiscal year as a tax period in lieu of a calendar year.

(d) "Value" means the sale price, or market value, at the mouth of the well. If the gas is exchanged for something other than cash, or if there is no sale at the time of severance, or if the relation between the buyer and the seller is such that the consideration paid, if any, is not indicative of the true value or market price, then the commissioner shall determine the value of the gas subject to tax, considering the sale price for cash of gas of like quality in the same or nearest gas-producing field.

(e) "Taxpayer" means any person liable for the tax imposed by this article.

(f) "Gas" means natural and casinghead gas and any gas or vapor taken from below the surface of the soil or water in this state, regardless of whether produced from a gas well or from a well also productive of oil or any other product; provided, however, the term "gas" shall not include carbon dioxide.

(g) "Casinghead gas" means any gas or vapor indigenous to an oil stratum and produced from such stratum with oil.

(h) "Severed" means the extraction or withdrawing by any means whatsoever, from below the surface of the soil or water, of any gas.

(i) "Person" means any natural person, firm, copartnership, joint venture, association, corporation, estate, trust, or any other group, or combination acting as a unit, and the plural as well as the singular number.

(j) "Producer" means any person owning, controlling, managing or leasing any oil or gas property, or oil or gas

well, and any person who produces in any manner any gas by taking it from the earth or water in this state, and shall include any person owning any royalty or other interest in any gas or its value, whether produced by him, or by some other person on his behalf, either by lease contract or otherwise.

(k) "Engaging in business" means any act or acts engaged in (personal or corporate) by producers, or parties at interest, the result of which gas is severed from the soil or water, for storage, transport or manufacture, or by which there is an exchange of money, or goods, or thing of value, for gas which has been or is in process of being severed from the soil or water.

(l) "Production" means the total gross amount of gas produced, including all royalty or other interest; that is, the amount for the purpose of the tax imposed by this article shall be measured or determined by meter readings showing one hundred percent (100%) of the full volume expressed in cubic feet at a standard base and flowing temperature of sixty (60) degrees Fahrenheit and at the absolute pressure at which the gas is sold and purchased; correction to be made for pressure according to Boyle's law, and for specific gravity according to the gravity at which the gas is sold and purchased or if not so specified, according to test made by the balance method.

(m) "Gathering system" means the pipelines, compressors, pumps, regulators, separators, dehydrators, meters, metering installations and all other property used in gathering gas from the well from which it is produced if such properties are owned by other than the operator, and all such properties, if owned by the operator, beyond the first metering installation that is nearest the well.

(n) "Discovery well" means any well producing gas from a single pool in which a well has not been previously produced in paying quantities after testing.

(o) "Development wells" means all gas-producing wells other than discovery wells and replacement wells.

(p) "Replacement well" means a well drilled on a drilling and/or production unit to replace another well which is drilled in the same unit and completed in the same pool.

(q) "Three-dimensional seismic" means data which is regularly organized in three (3) orthogonal directions and

thus suitable for interpretation with a three-dimensional software package on an interactive work station.

(r) "Two-year inactive well" means any oil or gas well certified by the State Oil and Gas Board as having not produced oil or gas in more than a total of thirty (30) days during a twelve-consecutive-month period in the two (2) years before the date of certification.

(s) "Horizontally drilled well" means a well in which the deviation of the borehole is at least eighty degrees (80°) from vertical so that the borehole penetrates a productive formation in a manner parallel to the formation and in which there is at least one thousand (1,000) feet of lateral penetration through productive reservoirs.

(t) "Horizontally drilled recompletion well" means an existing well in which the deviation of the borehole is at least eighty degrees (80°) from vertical so that the borehole penetrates a productive formation in a manner parallel to the formation and in which there is at least one thousand (1,000) feet of lateral penetration through productive reservoirs.

SECTION 5. Section 27-25-703, Mississippi Code of 1972, is amended as follows:

27-25-703. (1) (a) Except as otherwise provided * * * in this section, there is hereby levied, to be collected * * * as provided * * * in this article, annual privilege taxes upon every person engaging or continuing within this state in the business of producing, or severing gas * * * from below the soil or water for sale, transport, storage, profit or for commercial use. The amount of * * * the tax shall be measured by the value of the gas produced and shall be levied and assessed at a rate of six percent (6%) of the value * * * of the gas at the point of production, except as otherwise provided in subsection (4) of this section.

(b) (i) The tax shall be levied and assessed at the rate of one and three-tenths percent (1.3%) of the value of the gas at the point of production on gas produced from a horizontally drilled well or from any horizontally drilled recompletion well from which production commences from and after July 1, 2013, for a period of thirty (30) months beginning on the date of first sale of production or until payout of the well cost is achieved, whichever first occurs. Thereafter, the tax

shall be levied and assessed as provided for in paragraph (a) of this subsection.

(ii) Payout of a horizontally drilled well or horizontally drilled recompletion well shall be deemed to have occurred the first day of the next month after gross revenues, less royalties and severance taxes, equal to the cost to drill and complete the well.

(iii) Each operator must apply by letter to the State Oil and Gas Board for the reduced rate provided in this paragraph (b), and shall provide the board with the status of payout on a semiannual basis of any horizontally drilled well or horizontally drilled recompletion well by signed affidavit executed by a company representative.

(iv) This paragraph (b) shall be repealed from and after July 1, 2018; however, any horizontally drilled well or horizontally drilled recompletion well from which production commences before July 1, 2018, shall be taxed as provided for in this paragraph (b) notwithstanding that the repeal of this paragraph (b) has become effective.

(2) The tax is * * * levied upon the entire production in this state, regardless of the place of sale or to whom sold or by whom used, or the fact that the delivery may be made to points outside the state, but not levied upon that gas, lawfully injected into the earth for cycling, repressuring, lifting or enhancing the recovery of oil, nor upon gas lawfully vented or flared in connection with the production of oil, nor upon gas condensed into liquids on which the oil severance tax of six percent (6%) is paid; * * * however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be excluded in computing the tax. The tax shall accrue at the time the gas is produced or severed from the soil or water, and in its natural, unrefined or unmanufactured state.

(3) Natural gas and condensate produced from any wells for which drilling is commenced after March 15, 1987, and before July 1, 1990, shall be exempt from the tax levied under this section for a period of two (2) years beginning on the date of first sale of production from such wells.

(4) (a) Any well which begins commercial production of occluded natural gas from coal seams on or after March 20, 1990, and before July 1, 1993, shall be taxed at the rate

of three and one-half percent (3-1/2%) of the gross value of the occluded natural gas from coal seams at the point of production for a period of five (5) years after such well begins production.

(b) Any well which begins commercial production of occluded natural gas from coal seams on or after July 1, 2004, and before July 1, 2007, shall be taxed at the rate of three percent (3%) of the gross value of the occluded natural gas from coal seams at the point of production for a period of five (5) years beginning on the date of the first sale of production from such well.

(5) (a) Natural gas produced from discovery wells for which drilling or re-entry commenced on or after April 1, 1994, but before July 1, 1999, shall be exempt from the tax levied under this section for a period of five (5) years beginning on the earlier of one (1) year from completion of the well or the date of first sale from such well, provided that the average monthly sales price of such gas does not exceed Three Dollars and Fifty Cents (\$3.50) per one thousand (1,000) cubic feet. The exemption for natural gas produced from discovery wells as described in this paragraph (a) shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be exempt for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective. Natural gas produced from development wells or replacement wells drilled in connection with discovery wells for which drilling commenced on or after January 1, 1994, shall be assessed at a rate of three percent (3%) of the value thereof at the point of production for a period of three (3) years. The reduced rate of assessment of natural gas produced from development wells or replacement wells as described in this paragraph (a) shall be repealed from and after January 1, 2003, provided that any such production for which drilling commenced before January 1, 2003, shall be assessed at the reduced rate for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(b) Natural gas produced from discovery wells for which drilling or re-entry commenced on or after July 1, 1999, shall be assessed at a rate of three percent (3%) of the value thereof at the point of production for a period of

five (5) years beginning on the earlier of one (1) year from completion of the well or the date of first sale from such well, provided that the average monthly sales price of such gas does not exceed Two Dollars and Fifty Cents (\$2.50) per one thousand (1,000) cubic feet. The reduced rate of assessment of natural gas produced from discovery wells as described in this paragraph (b) shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective. Natural gas produced from development wells or replacement wells drilled in connection with discovery wells for which drilling commenced on or after July 1, 1999, shall be assessed at a rate of three percent (3%) of the value thereof at the point of production for a period of three (3) years. The reduced rate of assessment of natural gas produced from development wells or replacement wells as described in this paragraph (b) shall be repealed from and after January 1, 2003, provided that any such production for which drilling commenced before January 1, 2003, shall be assessed at the reduced rate for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(6) (a) Gas produced from a development well for which drilling commenced on or after April 1, 1994, but before July 1, 1999, and for which three-dimensional seismic was utilized in connection with the drilling of such well, shall be assessed at a rate of three percent (3%) of the value of the gas at the point of production for a period of five (5) years, provided that the average monthly sales price of such gas does not exceed Three Dollars and Fifty Cents (\$3.50) per one thousand (1,000) cubic feet. The reduced rate of assessment of gas produced from a development well as described in this subsection and for which three-dimensional seismic was utilized shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective.

(b) Gas produced from a development well for which drilling commenced on or after July 1, 1999, and for which

three-dimensional seismic was utilized in connection with the drilling of such well, shall be assessed at a rate of three percent (3%) of the value of the gas at the point of production for a period of five (5) years, provided that the average monthly sales price of such gas does not exceed Two Dollars and Fifty Cents (\$2.50) per one thousand (1,000) cubic feet. The reduced rate of assessment of gas produced from a development well as described in this paragraph (b) and for which three-dimensional seismic was utilized shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective.

(7) (a) Natural gas produced before July 1, 1999, from a two-year inactive well as defined in Section 27-25-701 shall be exempt from the taxes levied under this section for a period of three (3) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such gas does not exceed Three Dollars and Fifty Cents (\$3.50) per one thousand (1,000) cubic feet. The exemption for natural gas produced from an inactive well as described in this subsection shall be repealed from and after July 1, 2003, provided that any such production which began before July 1, 2003, shall be exempt for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(b) Natural gas produced on or after July 1, 1999, from a two-year inactive well as defined in Section 27-25-701 shall be exempt from the taxes levied under this section for a period of three (3) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such gas does not exceed Two Dollars and Fifty Cents (\$2.50) per one thousand (1,000) cubic feet. The exemption for natural gas produced from an inactive well as described in this paragraph (b) shall be repealed from and after July 1, 2003, provided that any such production which began before July 1, 2003, shall be exempt for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(8) The State Oil and Gas Board shall have the exclusive authority to determine the qualification of wells defined in paragraphs (n) through (* * t) of Section 27-25-701.

SECTION 6. Section 27-25-705, Mississippi Code of 1972, is amended as follows:

[With regard to any county which is exempt from the provisions of Section 19-2-3, this section shall read as follows:]

27-25-705. (1) All taxes * * * levied in this article and collected by the * * * department shall be paid into the State Treasury on the same day in which * * * the taxes are collected.

(2) Except as otherwise provided in this section, the commissioner shall apportion all * * * the tax collections made pursuant to this article to the state and to the county in which the gas was produced, in the proportion of sixty-six and two-thirds percent (66-2/3%) to the state and thirty-three and one-third percent (33-1/3%) to the county.

(3) The commissioner shall apportion all the tax collections made pursuant to Section 27-25-703(1)(b) to the county in which the gas is produced.

(4) * * * When the producer of gas subject to the tax levied in this article increases the price of the gas sold and such increase is subject to approval by a federal regulatory board or commission, and when the producer of the gas so requests, the State Treasurer is hereby authorized to hold the severance tax collected on * * * the price increase in escrow until such time as the price increase or a portion thereof is finally granted or approved. The severance tax thus held in escrow shall be deposited by the State Treasurer to an account in a state depository to be invested in an interest-bearing account in the manner provided by law. When the price increase in question or a portion thereof is granted or approved, the commissioner shall compute the correct severance tax due on * * * the increase and certify the amount of tax thus computed. This amount and interest earned from the depository shall be distributed to the General Fund and to the county or counties proportionately as * * * provided in this subsection. The balance, if any, of the tax and interest held in escrow on the price increase shall be returned to the taxpayer.

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(5) The state's share of all gas severance taxes collected pursuant to this section shall be deposited as provided for in Section 27-25-506.

(6) The commissioner shall certify at the end of each month the apportionment to each county to the State Treasurer, who shall remit the county's share of * * * the funds on or before the twentieth day of the month next succeeding the month in which * * * the collections were made for division among the municipalities and taxing districts of the county. The commissioner shall submit a report to the State Treasurer for distribution to each county receiving * * * the funds showing from whom * * * the tax and interest, if any, were collected. Upon receipt of * * * the funds, the board of supervisors of the county shall allocate the * * * funds to the municipalities and to the various maintenance and bond and interest funds of the county, school districts, supervisors districts and road districts, as * * * provided in this subsection.

When there * * * are any gas producing properties within the corporate limits of any municipality, then * * * the municipality shall participate in the division of the tax and interest, if any, returned to the county in which the municipality is located in the proportion which the tax on production of gas from properties located within the municipal corporate limits bears to the tax on total production of gas in the county. In no event, however, shall the amount allocated to the municipalities exceed one-third (1/3) of the tax and interest produced in the municipality and returned to the county. Any amount received by any municipality as a result of the allocation * * * provided for in this subsection shall be used for such purposes as are authorized by law.

The balance remaining of any funds returned to the county after the allocation to municipalities shall be divided among the various maintenance and bond and interest funds of the county, school districts, supervisors districts and road districts, in the discretion of the board of supervisors, and * * * the board shall make the division in consideration of the needs of the various taxing districts. The funds so allocated shall be used only for such purposes as are authorized by law.

[With regard to any county which is required to operate on a countywide system of road administration as described in Section 19-2-3, this section shall read as follows:]

27-25-705. (1) All taxes herein levied in this article and collected by the * * * department shall be paid into the State Treasury on the same day in which * * * the taxes are collected.

(2) Except as otherwise provided in this section, the commissioner shall apportion all * * * the tax collections made pursuant to this article to the state and to the county in which the gas was produced, in the proportion of sixty-six and two-thirds percent ($66\frac{2}{3}\%$) to the state and thirty-three and one-third percent ($33\frac{1}{3}\%$) to the county.

(3) The commissioner shall apportion all the tax collections made pursuant to Section 27-25-703(1)(b) to the county in which the gas is produced.

(4) * * * When the producer of gas subject to the tax levied in this article increases the price of the gas sold and * * * the increase is subject to approval by a federal regulatory board or commission, and when the producer of the gas so requests, the State Treasurer is hereby authorized to hold the severance tax collected on * * * the price increase in escrow until such time as the price increase or a portion thereof is finally granted or approved. The severance tax thus held in escrow shall be deposited by the State Treasurer to an account in a state depository to be invested in an interest-bearing account in the manner provided by law. When the price increase in question or a portion thereof is granted or approved, the commissioner shall compute the correct severance tax due on * * * the increase and certify the amount of tax thus computed. This amount and interest earned from the depository shall be distributed to the General Fund and to the county or counties proportionately as * * * provided in this subsection. The balance, if any, of the tax and interest held in escrow on the price increase shall be returned to the taxpayer.

(5) The state's share of all gas severance taxes collected pursuant to this section shall be deposited as provided for in Section 27-25-506.

(6) The commissioner shall certify at the end of each month the apportionment to each county to the State Treasurer, who shall remit the county's share of * * * the funds on or before the twentieth day of the month next succeeding the month in which * * * the collections were made for division among the municipalities and taxing districts of the county.

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The commissioner shall submit a report to the State Treasurer for distribution to each county receiving * * * the funds showing from whom * * * the tax and interest, if any, were collected. Upon receipt of * * * the funds, the board of supervisors of the county shall allocate the * * * funds to the municipalities and to the various maintenance and bond and interest funds of the county and school districts, as * * * provided in this subsection.

When there * * * are any gas producing properties within the corporate limits of any municipality, then * * * the municipality shall participate in the division of the tax and interest, if any, returned to the county in which the municipality is located in the proportion which the tax on production of gas from properties located within the municipal corporate limits bears to the tax on total production of gas in the county. In no event, however, shall the amount allocated to the municipalities exceed one-third (1/3) of the tax and interest produced in the municipality and returned to the county. Any amount received by any municipality as a result of the allocation * * * provided for in this subsection shall be used for such purposes as are authorized by law.

The balance remaining of any funds returned to the county after the allocation to municipalities shall be divided among the various maintenance and bond and interest funds of the county and school districts, in the discretion of the board of supervisors, and * * * the board shall make the division in consideration of the needs of the various taxing districts. The funds so allocated shall be used only for such purposes as are authorized by law.

SECTION 7. A county may, by resolution spread upon its minutes, enter into a road maintenance agreement with a taxpayer that is eligible for the reduced severance tax levied pursuant to Section 27-25-503(1)(c) or 27-25-703(1)(b).

SECTION 8. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2010

Description: Paternity proceeding; court may determine custody.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 527

History of Actions:

- | | | | |
|----|-------|-----|---------------------------------------|
| 1 | 01/11 | (S) | Referred To Judiciary, Division A |
| 2 | 01/29 | (S) | Title Suff Do Pass |
| 3 | 02/13 | (S) | Passed {Vote} |
| 4 | 02/14 | (S) | Transmitted To House |
| 5 | 02/21 | (H) | Referred To Judiciary A |
| 6 | 02/28 | (H) | Title Suff Do Pass As Amended |
| 7 | 03/05 | (H) | Amended |
| 8 | 03/05 | (H) | Passed As Amended {Vote} |
| 9 | 03/06 | (H) | Returned For Concurrence |
| 10 | 03/20 | (S) | Decline to Concur/Invite Conf |
| 11 | 03/26 | (H) | Conferees Named Baker,Beckett,Bennett |
| 12 | 03/27 | (S) | Conferees Named Hopson,Doty,Frazier |
| 13 | 04/01 | (S) | Conference Report Filed |
| 14 | 04/01 | (H) | Conference Report Filed |
| 15 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 16 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 17 | 04/05 | (S) | Enrolled Bill Signed |
| 18 | 04/05 | (H) | Enrolled Bill Signed |
| 19 | 04/24 | | Approved by Governor |

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2010

Conference Reports:

Conference Report

Code Section: A 093-0009-0015

----- Additional Information -----

Senate Committee: Judiciary, Division A

House Committee: Judiciary A

Principal Author: Hopson

Title: AN ACT TO AMEND SECTION 93-9-15, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 720, 2013 REGULAR SESSION, TO CLARIFY THE JURISDICTION OF THE COURT OVER THE AWARD OF CUSTODY IN THE COURSE OF A PATERNITY PROCEEDING AND TO AUTHORIZE REIMBURSEMENT TO MEDICAID FOR EXPENSES OF PREGNANCY AND CONFINEMENT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2010

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division A

By: Senator(s) Hopson

Senate Bill 2010

(As Sent to Governor)

AN ACT TO AMEND SECTION 93-9-15, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 720, 2013 REGULAR SESSION, TO CLARIFY THE JURISDICTION OF THE COURT OVER THE AWARD OF CUSTODY IN THE COURSE OF A PATERNITY PROCEEDING AND TO AUTHORIZE REIMBURSEMENT TO MEDICAID FOR EXPENSES OF PREGNANCY AND CONFINEMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 93-9-15, Mississippi Code of 1972, as amended by House Bill No. 720, 2013 Regular Session, is amended as follows:

93-9-15. The county court, the circuit court, or the chancery court has jurisdiction of an action under Sections 93-9-1 through 93-9-49, and all remedies for the enforcement of orders awarding custody or for expenses of pregnancy and confinement for a wife, or for education, necessary support and maintenance, or funeral expenses for legitimate children shall apply. The defendant must defend the cause in whichever court the action is commenced. The court has continuing jurisdiction to modify or revoke an order and to increase or decrease amounts fixed by order for future education and necessary support and maintenance. All remedies under the Uniform Interstate Family Support Act, and amendments thereto, are available for enforcement of duties of support and maintenance under Sections 93-9-1 through 93-9-49. Parties to an action to establish paternity shall not be entitled to a jury trial. The court may also order the father to reimburse Medicaid for expenses of the pregnancy and confinement of the mother.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2046

Description: Justice court clerks; clarify annual educational requirement.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 550

History of Actions:

- | | | | |
|--------------------|-------|-----|-------------------------------------|
| 1 | 01/11 | (S) | Referred To Judiciary, Division A |
| 2 | 01/31 | (S) | Title Suff Do Pass |
| 3 | 02/06 | (S) | Passed {Vote} |
| 4 | 02/07 | (S) | Transmitted To House |
| 5 | 02/21 | (H) | Referred To Judiciary A |
| 6 | 02/28 | (H) | Title Suff Do Pass As Amended |
| 7 | 03/05 | (H) | Amended |
| 8 | 03/05 | (H) | Passed As Amended {Vote} |
| 9 | 03/06 | (H) | Returned For Concurrence |
| 10 | 03/20 | (S) | Decline to Concur/Invite Conf |
| 11 | 03/26 | (H) | Conferees Named Baker, Powell, Lott |
| 12 | 03/27 | (S) | Conferees Named Hopson, Simmons |
| (12th), Fillingane | | | |
| 13 | 04/01 | (S) | Conference Report Filed |
| 14 | 04/01 | (H) | Conference Report Filed |
| 15 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 16 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 17 | 04/05 | (S) | Enrolled Bill Signed |
| 18 | 04/05 | (H) | Enrolled Bill Signed |
| 19 | 04/25 | | Approved by Governor |

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2046

Conference Reports:

Conference Report

Code Section: A 009-0011-0029

----- **Additional Information** -----

Senate Committee: Judiciary, Division A

House Committee: Judiciary A

Principal Author: Tollison

Title: AN ACT TO AMEND SECTION 9-11-29, MISSISSIPPI CODE OF 1972, TO CLARIFY THE ANNUAL TRAINING REQUIREMENT IMPOSED UPON JUSTICE COURT CLERKS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2046

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division A

By: Senator(s) Tollison

Senate Bill 2046

(As Sent to Governor)

AN ACT TO AMEND SECTION 9-11-29, MISSISSIPPI CODE OF 1972, TO CLARIFY THE ANNUAL TRAINING REQUIREMENT IMPOSED UPON JUSTICE COURT CLERKS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 9-11-29, Mississippi Code of 1972, is amended as follows:

9-11-29. (1) Within ninety (90) days after appointment, every person appointed as clerk of the justice court under the provisions of Section 9-11-27, or a deputy clerk designated to receive training under Section 9-11-27, shall file annually in the office of the circuit clerk a certificate of completion of a course of training and education conducted by the Mississippi Judicial College of the University of Mississippi Law Center. The training course shall be known as the "Justice Court Clerks Training Course" and shall consist of at least twelve (12) hours of instruction. The contents of the courses and when and where the courses are to be conducted shall be determined by the judicial college. The judicial college shall issue a certificate of completion to the clerks and deputy clerks who complete a course.

(2) Every person appointed as clerk and deputy clerk of the justice court shall, before entering into the duties of the position, give bond, with sufficient surety, to be payable, conditioned and approved as provided by law and in the same manner as other county officers, in a penalty equal to Fifty Thousand Dollars (\$50,000.00); and any party interested may proceed on such bond in a summary way, by motion in any court having jurisdiction of the same, against the principal and sureties, upon giving five (5) days' previous notice. The cost of* * * the bond shall be paid by the county.

(3) Upon the failure of any person appointed as clerk of the justice court to file the certificates of completion as provided in subsection (1) of this section,* * * that person

shall not be allowed to carry out any of the duties of the office of clerk of the justice court, and shall not be entitled to compensation for the period of time during which* * * the required certificates remain unfiled.

SECTION 2.-This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2082

Description: Limited institutional medical license; authorize additional extension upon certain conditions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 492

History of Actions:

- | | | | |
|---|-------|-----|---------------------------------------|
| 1 | 01/14 | (S) | Referred To Public Health and Welfare |
| 2 | 01/29 | (S) | Title Suff Do Pass |
| 3 | 02/07 | (S) | Passed {Vote} |
| 4 | 02/08 | (S) | Transmitted To House |
| 5 | 02/21 | (H) | Referred To Public Health and Human |

Services

- | | | | |
|----|-------|-----|--------------------------------------|
| 6 | 02/26 | (H) | Title Suff Do Pass |
| 7 | 03/01 | (H) | Amended |
| 8 | 03/01 | (H) | Passed As Amended {Vote} |
| 9 | 03/04 | (H) | Returned For Concurrence |
| 10 | 03/28 | (S) | Concurred in Amend From House {Vote} |
| 11 | 03/29 | (S) | Enrolled Bill Signed |
| 12 | 03/30 | (H) | Enrolled Bill Signed |
| 13 | 04/16 | | Approved by Governor |

Amendments:

[H] Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2082

Code Section: A 073-0025-0023

----- Additional Information -----

Senate Committee: Public Health and Welfare

House Committee: Public Health and Human Services

Principal Author: Burton

Title: AN ACT TO AMEND SECTION 73-25-23, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF MEDICAL LICENSURE TO WAIVE THE FIVE-YEAR LIMITATION ON LIMITED INSTITUTIONAL LICENSES FOR ANY GRADUATE OF A FOREIGN MEDICAL SCHOOL WHO HOLDS THAT LICENSE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2082

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Welfare

By: Senator(s) Burton

Senate Bill 2082

(As Sent to Governor)

AN ACT TO AMEND SECTION 73-25-23, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF MEDICAL LICENSURE TO WAIVE THE FIVE-YEAR LIMITATION ON LIMITED INSTITUTIONAL LICENSES FOR ANY GRADUATE OF A FOREIGN MEDICAL SCHOOL WHO HOLDS THAT LICENSE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-25-23, Mississippi Code of 1972, is amended as follows:

73-25-23. The State Board of Medical Licensure is hereby authorized and empowered to grant limited institutional licensé for the practice of medicine in state institutions to graduates of foreign medical colleges approved by the National Educational Council for Foreign Medical Graduates or its successor, subject to the conditions as set out herein.

Any graduate of a foreign medical college approved by the organizations specified in the foregoing paragraph who is employed or is being considered for employment to practice medicine in one or more Mississippi state-supported institution(s) located in the same county shall make application for license to the State Board of Medical Licensure. The application shall be made on a form prescribed by the Board of Medical Licensure as required by laws of the State of Mississippi. The application shall also state the institution or institutions in which the applicant has assurance of employment. The State Board of Medical Licensure is hereby authorized to establish minimum standards of qualifications including moral, experience and proficiency for such applicants. The application and the board's recommendation shall be forwarded to the board of trustees and director of the institution(s) in which the applicant wishes to practice.

Upon receipt of such approved application from the State Board of Medical Licensure, the board of trustees or the governing authority and director of the institution or health

center shall submit the application for review to the local medical society, the member of the Board of Trustees of the State Medical Association of that district and the member of the State Board of Medical Licensure of the district in which the institution is located. A formal recommendation from each of these, along with that of the board of trustees and director of the institution, shall become a part of the application, and shall then be returned to the State Board of Medical Licensure. If a majority of the recommendations are in favor of the applicant, the State Board of Medical Licensure may, in its discretion, issue a limited license to practice medicine. The holder of such a license shall be subject to all the laws of the State of Mississippi governing the practice of medicine.

Such license shall be for one (1) year and shall be in such form as the State Board of Medical Licensure shall prescribe, and shall be issued for practice in a particular institution and shall not be endorsable to another state. The license must be renewed annually, after such review as the State Board of Medical Licensure considers necessary. A graduate of a foreign medical school so licensed may hold such limited institutional license no longer than five (5) years. However, any graduate of a foreign medical school so licensed and employed by any state institution on January 1, 1981, shall not be subject to the five-year limitation created hereby * * *. In addition, the State Board of Medical Licensure, in its discretion, may waive the five-year limitation on limited institutional licenses for any * * * graduate of a foreign medical school who holds such license.

It is the intent of this section to enable Mississippi institutions to utilize the services of qualified graduates of foreign medical colleges during the period necessary for them to secure citizenship papers, and to meet other requirements for a regular license, including Educational Council for Foreign Medical Graduates certification. The State Board of Medical Licensure is hereby authorized, in its discretion, to refuse to renew, or to revoke such limited license if the holder of such license has failed to avail himself of the opportunity to take the examination for regular licensure after becoming eligible for such examination.

The State Board of Medical Licensure may establish reasonable and uniform license fees and shall make such rules

and regulations as it considers necessary to carry out the purposes of this section.

The State Board of Medical Licensure is hereby authorized and directed to grant a full license for the practice of medicine to a graduate of a foreign medical school who has previously been granted an institutional license in one or more Mississippi state-supported institutions for a twenty-nine-year period of time and who on July 1, 2001, was serving as director of a Mississippi state-supported hospital and who has passed the clinical competency part of the Flex Examination for the State of Mississippi.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2013 Regular Session

Senate Bill 2133

Description: Erin's Law; create study committee to study implementation of curriculum based on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 525

History of Actions:

- | | | | |
|----|-------|-----|--|
| 1 | 01/14 | (S) | Referred To Education; Public Health and Welfare |
| 2 | 01/31 | (S) | DR - TSDPCS: ED To PH |
| 3 | 02/05 | (S) | Title Suff Do Pass Comm Sub |
| 4 | 02/13 | (S) | Committee Substitute Adopted |
| 5 | 02/13 | (S) | Amended |
| 6 | 02/13 | (S) | Passed As Amended {Vote} |
| 7 | 02/15 | (S) | Transmitted To House |
| 8 | 02/20 | (H) | Referred To Education; Judiciary B |
| 9 | 02/27 | (H) | DR - TSDPAA: ED To JB |
| 10 | 03/04 | (H) | DR - TSDPAA: JB To ED |
| 11 | 03/04 | (H) | Title Suff Do Pass As Amended |
| 12 | 03/07 | (H) | Amended |
| 13 | 03/07 | (H) | Passed As Amended {Vote} |
| 14 | 03/08 | (H) | Motion to Reconsider Entered (Moore, Clarke, Gipson) |
| 15 | 03/12 | (H) | Motion to Reconsider Tabled |
| 16 | 03/12 | (H) | Returned For Concurrence |
| 17 | 03/20 | (S) | Decline to Concur/Invite Conf |
| 18 | 03/25 | (S) | Conferees Named Tollison, Collins, Blount |
| 19 | 03/27 | (H) | Conferees Named Moore, Crawford, Gipson |
| 20 | 04/01 | (S) | Conference Report Filed |
| 21 | 04/01 | (H) | Conference Report Filed |
| 22 | 04/03 | (H) | Conference Report Adopted {Vote} |

2013 GENERAL LAWS OF MISSISSIPPI SB 2133

23 04/03 (S) Conference Report Adopted {Vote}
24 04/08 (S) Enrolled Bill Signed
25 04/08 (H) Enrolled Bill Signed
26 04/24 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted* Voice Vote

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2133

Conference Reports:

Conference Report

----- Additional Information -----

Senate Committee: Education, Public Health and Welfare

House Committee: Education, Judiciary B

Principal Author: Collins

Title: AN ACT TO CREATE THE ERIN'S LAW STUDY COMMITTEE FOR THE PURPOSE OF STUDYING THE POSSIBILITY OF CREATING AND IMPLEMENTING A CURRICULUM FOR THE PREVENTION OF SEXUAL ABUSE OF CHILDREN; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education; Public Health and Welfare

By: Senator(s) Collins

Senate Bill 2133

(As Sent to Governor)

AN ACT TO CREATE THE ERIN'S LAW STUDY COMMITTEE FOR THE PURPOSE OF STUDYING THE POSSIBILITY OF CREATING AND IMPLEMENTING A CURRICULUM FOR THE PREVENTION OF SEXUAL ABUSE OF CHILDREN; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is created the Erin's Law Study Committee for the purpose of studying the possibility of creating and implementing a curriculum for the prevention of sexual abuse of children in the State of Mississippi. The study committee shall be comprised of the following six (6) members:

(a) Three (3) members of the Senate, to be appointed by the Lieutenant Governor, one (1) of whom shall be the Chairman of the Senate Education Committee; and

(b) Three (3) members of the House, to be appointed by the Speaker of the House of Representatives, one (1) of whom shall be the Chairman of the House Education Committee.

(2) The study committee shall determine the feasibility of the benefit provided to local school districts and the students therein of adopting a curriculum for the prevention of sexual abuse for students from Kindergarten through Grade 5. The curriculum evaluated by members of the study committee shall:

(a) Be evidence-based;

(b) Be age-appropriate and culturally sensitive;

(c) Include a minimum of four (4) programs to be conducted during the school year;

(d) Include a professional training component for administrators, teachers and other school personnel on talking to students about child sexual abuse prevention, the effects of child sexual abuse on children, handling disclosures and mandated reporting; and

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(e) Include a component that encourages parental involvement in child sexual abuse prevention.

(3) Appointments to the study committee must be made within thirty (30) days after the effective date of this act. The study committee shall hold its first meeting not later than August 1, 2013, with the date, time and location of the meeting to be designated by the Governor. At the first meeting, the study committee shall elect from among its membership a chairman, vice chairman and any other officers determined to be necessary, who must organize the study committee for business and determine the date, time and location of its next meeting.

(4) Members of the study committee shall be reimbursed from the contingent expense fund of their respective house, but only with the specific approval of the Rules Committee of the respective house. The study committee, by approval of a majority of its membership, may accept funds that may be donated or provided in the form of grants from public or private sources.

(5) The State Department of Education shall provide the staff and other support necessary for the study committee to perform its duties. Any department, agency or court of this state, at the request of the chairman of the study committee, must cooperate with the study committee in the performance of its duties.

(6) The study committee shall submit a written report setting forth its findings and recommendations to the Governor and the Legislature before January 1, 2014, at which time the study committee will be dissolved.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2138

Description: School district financial procedures; clarify distribution of funds and time of payment of school employee salaries.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 566

History of Actions:

- 1 01/14 (S) Referred To Education
- 2 01/24 (S) Title Suff Do Pass
- 3 02/13 (S) Amended
- 4 02/13 (S) Passed As Amended {Vote}
- 5 02/15 (S) Transmitted To House
- 6 02/21 (H) Referred To Education; Appropriations
- 7 02/27 (H) DR - TSDP: ED To AP
- 8 03/05 (H) DR - TSDP: AP To ED
- 9 03/05 (H) Title Suff Do Pass
- 10 03/07 (H) Passed {Vote}
- 11 03/08 (H) Motion to Reconsider Entered (Moore, Clarke, Frierson)
- 12 03/12 (H) Reconsidered
- 13 03/12 (H) Amended
- 14 03/12 (H) Passed As Amended {Vote}
- 15 03/13 (H) Returned For Concurrence
- 16 03/20 (S) Decline to Concur/Invite Conf
- 17 03/25 (S) Conferees Named Tollison, Collins, Hopson
- 18 03/27 (H) Conferees Named Moore, Martinson, Currie
- 19 04/01 (S) Conference Report Filed
- 20 04/01 (H) Conference Report Filed
- 21 04/02 (H) Conference Report Adopted {Vote}
- 22 04/03 (S) Conference Report Adopted {Vote}
- 23 04/08 (S) Enrolled Bill Signed

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24 04/08 (H) Enrolled Bill Signed
25 04/25 Approved by Governor

Amendments:

[S] Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2138

Conference Reports:

Conference Report

Code Section: A 037-0009-0039, A 037-0151-0103, A 037-0009-0018, A 037-0061-0033

----- Additional Information -----

Senate Committee: Education

House Committee: Education, Appropriations

Principal Author: Tollison

Title: AN ACT TO AMEND SECTIONS 37-9-39 AND 37-151-103, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE TIME OF THE MONTHLY DISTRIBUTION OF ADEQUATE EDUCATION FUNDS TO SCHOOL DISTRICTS AND TO PROVIDE FOR THE TIME OF PAYMENT OF SALARIES OR WAGES TO SCHOOL DISTRICT EMPLOYEES; TO AMEND SECTION 37-9-18, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE REGULATIONS CONCERNING THE TYPE OF FINANCIAL REPORTS REQUIRED TO BE SUBMITTED BY LOCAL SCHOOL DISTRICTS; TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT LOCAL SCHOOL BOARDS SHALL REQUIRE THE ISSUANCE OF PROCUREMENT CARDS FOR SUPPLY FUND EXPENDITURES; TO AMEND SECTION 1 OF CHAPTER 484, LAWS OF 2010, AS AMENDED BY SECTION 2 OF CHAPTER 512, LAWS OF 2011, TO EXTEND THE TASK FORCE TO STUDY STRATEGIES FOR SOLVING THE CURRENT TEACHER SHORTAGE IN MISSISSIPPI UNTIL THE FILING OF ITS LEGISLATIVE REPORT IN 2014; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education

By: Senator(s) Tollison

Senate Bill 2138
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 37-9-39 AND 37-151-103, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE TIME OF THE MONTHLY DISTRIBUTION OF ADEQUATE EDUCATION FUNDS TO SCHOOL DISTRICTS AND TO PROVIDE FOR THE TIME OF PAYMENT OF SALARIES OR WAGES TO SCHOOL DISTRICT EMPLOYEES; TO AMEND SECTION 37-9-18, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE REGULATIONS CONCERNING THE TYPE OF FINANCIAL REPORTS REQUIRED TO BE SUBMITTED BY LOCAL SCHOOL DISTRICTS; TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT LOCAL SCHOOL BOARDS SHALL REQUIRE THE ISSUANCE OF PROCUREMENT CARDS FOR SUPPLY FUND EXPENDITURES; TO AMEND SECTION 1 OF CHAPTER 484, LAWS OF 2010, AS AMENDED BY SECTION 2 OF CHAPTER 512, LAWS OF 2011, TO EXTEND THE TASK FORCE TO STUDY STRATEGIES FOR SOLVING THE CURRENT TEACHER SHORTAGE IN MISSISSIPPI UNTIL THE FILING OF ITS LEGISLATIVE REPORT IN 2014; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-9-39, Mississippi Code of 1972, is amended as follows:

37-9-39. Salary or wages paid to any employee of any school shall be paid on a basis as determined by the local school board of each school district consistent with the provisions of Section 37-157-103(1), except for December, when salaries or wages shall be paid* * * by the last working day. Salaries or wages shall be paid at a minimum on a monthly basis. Any school employee whose employment ends during a school term, regardless of the reason(s) the employment ended, shall be paid salary or wages only for that portion of the school term that employee actually worked. Nothing in this section shall be construed to entitle any employee to payment of salary or wages when no work has been performed.

SECTION 2. Section 37-151-103, Mississippi Code of 1972, is amended as follows:

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37-151-103. (1) Funds due each school district under the terms of this chapter from the Adequate Education Program Fund shall be paid in the following manner: * * * Two (2) business days prior to the last working day of each month * * * there shall be paid to each school district by electronic funds transfer one-twelfth (1/12) of the funds to which the district is entitled from funds appropriated for the Adequate Education Program Fund. However, in December those payments shall be made on December 15th or the next business day after that date. All school districts shall process a single monthly payroll with electronic settlement of payroll checks secured through direct deposit of net pay for all school district employees. In addition, the State Department of Education may pay school districts from the common school fund and the Adequate Education Program Fund on a date earlier than provided for by this section if it is determined that it is in the best interest of school districts to do so.

Provided, however, that if the cash balance in the State General Fund is not adequate on the due date to pay the amounts due to all school districts in the state as determined by the State Superintendent of Education, the State Fiscal Officer shall not transfer said funds payable to any school district or districts until money is available to pay the amount due to all districts.

(2) Notwithstanding any provision of this chapter or any other law requiring the number of children in average daily attendance or the average daily attendance of transported children to be determined on the basis of the preceding year, the State Board of Education is hereby authorized and empowered to make proper adjustments in allotments in cases where major changes in the number of children in average daily attendance or the average daily attendance of transported children occurs from one year to another as a result of changes or alterations in the boundaries of school districts, the sending of children from one county or district to another upon a contract basis, the termination or discontinuance of a contract for the sending of children from one county or district to another, a change in or relocation of attendance centers, or for any other reason which would result in a major decrease or increase in the number of children in average daily attendance or the average daily attendance of transported children during the current school year as compared with the preceding year.

(3) In the event of an inordinately large number of absentees in any school district as a result of epidemic, natural disaster, or any concerted activity discouraging school attendance, then in such event school attendance for the purposes of determining average daily attendance under the adequate education program shall be based upon the average daily attendance for the preceding school year for such school district.

SECTION 3. Section 37-9-18, Mississippi Code of 1972, is amended as follows:

37-9-18. (1)* * * (a) The State Board of Education shall promulgate rules and regulations concerning the type of financial reports required to be submitted by the superintendent of schools to the local school board, and the frequency with which the reports shall be submitted. The rules and regulations promulgated by the board shall include:

(i) A requirement that the reports be listed as an agenda item for discussion at a regularly scheduled meeting of the board;

(ii) A requirement that the minutes of the board meeting reflect that the reports were discussed;

(iii) A requirement that each board member present be provided a copy of all required reports; and

(iv) A requirement that a copy of all required reports be included in the official minutes of the board meeting at which the reports were discussed.

(b) The State Board of Education is authorized to require school districts to submit any of the required reports to the State Department of Education on a basis determined by the department.

(c) Failure to comply with any of the rules and regulations established by the State Board of Education with regard to reporting requirements shall constitute a violation of the Mississippi Public School Accountability Standards.

(2) The State Auditor shall audit the financial records of school districts in accordance with Section 7-7-211(e). The State Auditor shall give reasonable notice to school districts regarding the times during which the State Auditor will perform such audits. In any fiscal year in which the State Auditor is not scheduled to perform an audit, the school board

shall cause all the financial records of the superintendent of schools to be audited in accordance with Section 7-7-211(e). If the school board so elects by resolution adopted each year, the audit shall be performed by the State Auditor. Contracts for the audit of public school districts shall be let by the school board in the manner prescribed by the State Auditor. The audit shall be conducted in accordance with generally accepted auditing standards and generally accepted accounting principles, and the report presented thereon shall be in accordance with generally accepted accounting principles. If the Auditor's opinion on the general purpose financial statements is a disclaimer, as that term is defined by generally accepted auditing standards, or if the State Auditor determines the existence of serious financial conditions in the district, the State Auditor shall immediately notify the State Board of Education. Upon receiving the notice, the State Superintendent of Public Education shall direct the school district to immediately cease all expenditures until a financial advisor is appointed by the state superintendent. However, if the disclaimer is a result of conditions caused by Hurricane Katrina 2005 and applies to fiscal years 2005 and/or 2006, then the Superintendent of Education may appoint a financial advisor, and may direct the school district to immediately cease all expenditures until a financial advisor is appointed. The financial advisor shall be an agent of the State Board of Education and shall be a certified public accountant or a qualified business officer. The financial advisor shall, with the approval of the State Board of Education:

(a) Approve or disapprove all expenditures and all financial obligations of the district;

(b) Ensure compliance with any statutes and State Board of Education rules or regulations concerning expenditures by school districts;

(c) Review salaries and the number of all district personnel and make recommendations to the local school board of any needed adjustments. Should such recommendations necessitate the reduction in local salary supplement, such recommended reductions shall be only to the extent which will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education. The local school board, in considering either a reduction in personnel or a reduction in local supplements, shall not

be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105 and, further, shall not be required to comply with Sections 37-19-11 and 37-19-7(1) in regard to reducing local supplements and the number of personnel;

(d) Work with the school district's business office to correct all inappropriate accounting procedures and/or uses of school district funds and to prepare the school district's budget for the next fiscal year;

(e) Report frequently to the State Board of Education on the corrective actions being taken and the progress being made in the school district. The financial advisor shall serve until such time as corrective action and progress is being made in such school district as determined by the State Board of Education with the concurrence of the State Auditor, or until such time as an interim conservator is assigned to such district by the State Board of Education under Section 37-17-6. The school district shall be responsible for all expenses associated with the use of the financial advisor. If the audit report reflects a failure by the school district to meet accreditation standards, the State Board of Education shall proceed under Section 37-17-6; and

(f) If a financial advisor is appointed to a school district in accordance with this subsection and it is determined by the financial advisor and/or any other official of the school district that an audit by a certified public accountant for that district was deficient in any manner, the financial advisor and/or any other official of the school district shall, within thirty (30) days, refer the matter to the State Board of Public Accountancy for follow-up and possible disciplinary action. Any disciplinary action by the State Board of Public Accountancy with regard to the certified public accountant shall, within thirty (30) days after notifying such certified public accountant, be reported to the Office of State Auditor.

(3) (a) When conducting an audit of a public school district, the State Auditor shall test to insure that the school district is complying with the requirements of Section 37-61-33(3)(a)(iii) relating to classroom supply funds. The audit must include a report of all classroom supply funds carried over from previous years. Based upon the audit report, the State Auditor shall compile a report on the compliance or noncompliance by all school districts with the requirements of

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Section 37-61-33(3)(a)(iii), which report must be submitted to the Chairmen of the Education and Appropriations Committees of the House of Representatives and Senate.

(b) When conducting an audit of a public school district, the State Auditor shall test to insure correct and appropriate coding at the function level. The audit must include a report showing correct and appropriate functional level expenditure codes in expenditures by the school district. Compliance standards for this audit provision shall be established by the Office of the State Auditor. Based upon the audit report, the State Auditor shall compile a report on the compliance or noncompliance by all public school districts with correct and appropriate coding at the function level, which report must be submitted to the Chairmen of the Education and Appropriations Committees of the House of Representatives and Senate.

(4) In the event the State Auditor does not perform the audit examination, then the audit report of the school district shall be reviewed by the State Auditor for compliance with applicable state laws before final payment is made on the audit by the school board. All financial records, books, vouchers, cancelled checks and other financial records required by law to be kept and maintained in the case of municipalities shall be faithfully kept and maintained in the office of the superintendent of schools under the same provisions and penalties provided by law in the case of municipal officials.

SECTION 4. Section 37-61-33, Mississippi Code of 1972, is amended as follows:

37-61-33. (1) There is created within the State Treasury a special fund to be designated the "Education Enhancement Fund" into which shall be deposited all the revenues collected pursuant to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

(2) Of the amount deposited into the Education Enhancement Fund, Sixteen Million Dollars (\$16,000,000.00) shall be appropriated each fiscal year to the State Department of Education to be distributed to all school districts. Such money shall be distributed to all school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, teachers' homes, school barns, transportation vehicles (which shall include new and used transportation vehicles) and garages for transportation vehicles, and purchasing land therefor.

(b) Establishing and equipping school athletic fields and necessary facilities connected therewith, and purchasing land therefor.

(c) Providing necessary water, light, heating, air-conditioning and sewerage facilities for school buildings, and purchasing land therefor.

(d) As a pledge to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, or debt issued by boards of supervisors for agricultural high schools pursuant to Section 37-27-65, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors. The annual grant to such district in any subsequent year during the term of the resolution or contract shall not be reduced below an amount equal to the district's grant amount for the year in which the contract or resolution was adopted. The intent of this provision is to allow school districts to irrevocably pledge a certain, constant stream of revenue as security for long-term obligations issued under the code sections enumerated in this paragraph or as otherwise allowed by law. It is the intent of the Legislature that the provisions of this paragraph shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards. Debt of a district secured by a pledge of sales tax revenue pursuant to this paragraph shall not be subject to any debt limitation contained in the foregoing enumerated code sections.

(3) The remainder of the money deposited into the Education Enhancement Fund shall be appropriated as follows:

(a) To the State Department of Education as follows:

(i) Sixteen and sixty-one one-hundredths percent (16.61%) to the cost of the adequate education program determined under Section 37-151-7; of the funds generated by the percentage set forth in this section for the support of the adequate education program, one and one hundred seventy-eight one-thousandths percent (1.178%) of the funds shall be appropriated to be used by the State Department of Education for the purchase of textbooks to be loaned under Sections 37-43-1 through 37-43-59 to approved nonpublic schools, as described in Section 37-43-1. The funds to be distributed to each nonpublic school shall be in the proportion that the average daily attendance of each nonpublic school bears to the total average daily attendance of all nonpublic schools;

(ii) Seven and ninety-seven one-hundredths percent (7.97%) to assist the funding of transportation operations and maintenance pursuant to Section 37-19-23; and

(iii) Nine and sixty-one one-hundredths percent (9.61%) for classroom supplies, instructional materials and equipment, including computers and computer software, to be distributed to all school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state. Classroom supply funds shall not be expended for administrative purposes. Local school districts shall allocate classroom supply funds equally among all classroom teachers in the school district. For purposes of this subparagraph, "teacher" means any employee of the school board of a school district who is required by law to obtain a teacher's license from the State Department of Education and who is assigned to an instructional area of work as defined by the department, but shall not include a federally funded teacher. Two (2) or more teachers may agree to pool their classroom supply funds for the benefit of a school within the district. It is the intent of the Legislature that all classroom teachers shall be involved in the development of a spending plan that addresses individual classroom needs and supports the overall goals of the school regarding supplies, instructional materials, equipment, computers or computer software under the provisions of this subparagraph, including the type, quantity and quality of such supplies, materials and equipment. This plan shall be submitted in writing to the school principal for approval. Classroom supply funds allocated under this subparagraph shall supplement, not replace, other local and state funds

available for the same purposes. School districts need not fully expend the funds received under this subparagraph in the year in which they are received, but such funds may be carried forward for expenditure in any succeeding school year. Any individual teacher or group of teachers with an approved spending plan that has not been fully funded need not expend the funds allocated under this subparagraph in the year in which such funds are received. Such funds may be carried forward for expenditure in any subsequent school year in which the plan is fully funded. However, beginning July 1, 2006, any funds allocated under this subparagraph which are not reserved in an approved spending plan but remain unspent on March 31 of the fiscal year in which the funds were allotted must be utilized by the school where the teacher is employed for instructional supply and equipment purposes. The State Board of Education shall develop and promulgate rules and regulations for the administration of this subparagraph consistent with the above criteria, with particular emphasis on allowing the individual teachers to expend funds as they deem appropriate. Effective with the* * * 2013-2014 school year, the local school board* * * shall require each school to issue procurement cards provided by the Department of Finance and Administration under the provisions of Section 31-7-9(1)(c) for the use of teachers and necessary support personnel in making instructional supply fund expenditures under this section, consistent with the regulations of the Mississippi Department of Finance and Administration pursuant to Section 31-7-9. Such procurement cards shall be issued at the beginning of the school year and shall be issued in equal amounts per teacher determined by the total number of qualifying personnel and the current state appropriation for classroom supplies with the Education Enhancement Fund. Such cards will expire on a pre-determined date at the end of each school year. All unexpended amounts will be carried forward, combined with the following year's allocation of Education Enhancement Fund instructional supplies funds and reallocated for the following year;

(b) Twenty-two and nine one-hundredths percent (22.09%) to the Board of Trustees of State Institutions of Higher Learning for the purpose of supporting institutions of higher learning; and

(c) Fourteen and forty-one one-hundredths percent (14.41%) to the State Board for Community and Junior Colleges

for the purpose of providing support to community and junior colleges.

(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section shall be disbursed as follows:

(a) Twenty-five Million Dollars (\$25,000,000.00) shall be deposited into the Working Cash-Stabilization Reserve Fund created pursuant to Section 27-103-203(1), until the balance in such fund reaches the maximum balance of seven and one-half percent (7-1/2%) of the General Fund appropriations in the appropriate fiscal year. After the maximum balance in the Working Cash-Stabilization Reserve Fund is reached, such money shall remain in the Education Enhancement Fund to be appropriated in the manner provided for in paragraph (b) of this subsection.

(b) The remainder shall be appropriated for other educational needs.

(5) None of the funds appropriated pursuant to subsection (3)(a) of this section shall be used to reduce the state's General Fund appropriation for the categories listed in an amount below the following amounts:

(a) For subsection (3)(a)(ii) of this section, Thirty-six Million Seven Hundred Thousand Dollars (\$36,700,000.00);

(b) For the aggregate of minimum program allotments in the 1997 fiscal year, formerly provided for in Chapter 19, Title 37, Mississippi Code of 1972, as amended, excluding those funds for transportation as provided for in subsection (5)(a) in this section.

SECTION 5. Section 1 of Chapter 484, Laws of 2010, as amended by Section 2 of Chapter 512, Laws of 2011, is amended as follows:

Section 1. (1) The Task Force to Study Strategies for Solving the Current Teacher Shortage in Mississippi is created to study and make recommendations to the Governor and the Legislature regarding teacher attrition, retention and growth in our state. The task force shall study and make recommendations on the following key areas:

(a) Teacher salaries;

(b) Future educators;

- (c) Working conditions of educators;
- (d) Relevant professional development for educators;
- (e) Adequate and equitable resources and support for educators;
- (f) Safety and respect in the schools;
- (g) Parental and community involvement in the schools;
- (h) The teacher salary scale under the Mississippi Adequate Education Program;
- (i) Step increases and annual increments under the teacher salary scale;
- (j) Merit pay for teachers;
- (k) Teacher pay for failing schools;
- (l) Local supplements to teacher salaries;
- (m) Nonadequate education program funded teachers; and
- (n) Adequate and equitable resources and support for teacher salaries.

(2) Members of the task force shall be composed of the following:

- (a) The State Superintendent of Public Education, or his designee;
- (b) One (1) person appointed by the Governor;
- (c) The Chairmen of the Senate and House Education Committees;
- (d) The Chairmen of the Senate and House Universities and Colleges Committees;
- (e) The Chairmen of the Senate and House Appropriations Committees;
- (f) Three (3) classroom teachers appointed by the State Board of Education, one (1) to be an elementary teacher, one (1) to be a middle school teacher and one (1) to be a high school teacher;
- (g) One (1) assistant teacher appointed by the Mississippi Association of Educators;
- (h) One (1) principal appointed by the State Board of Education;

(i) One (1) local school superintendent appointed by the Mississippi Association of School Superintendents;

(j) Two (2) deans of the College of Education of a Mississippi public or private university appointed by the Board of Trustees of State Institutions of Higher Learning;

(k) The Commissioner of Higher Education, or his designee; and

(l) The Executive Director of the State Board for Community and Junior Colleges, or his designee.

Appointments to the task force shall be made within thirty (30) days after the effective date of this act. The task force shall hold its first meeting not later than August 1, 2011, with the date, time and location of the meeting to be designated by the State Superintendent of Education. At the first meeting the task force shall elect from among its membership a chairman, vice chairman and any other officers determined to be necessary, who shall organize the task force for business and determine the date and locations of subsequent meetings.

Members of the task force shall serve without compensation for their services, but may be reimbursed for necessary expense in attending to the actual business of the task force from any available funds, as provided by law. Legislative members shall be reimbursed from the contingent expense fund of their respective house, but only with the specific approval of the Rules Committee of the respective house. The task force, by approval of a majority of its membership, may accept funds that may be donated or provided in the form of grants from public or private sources.

(3) Any department, agency or court of this state, at the request of the chairman of the task force, shall provide staff and other support necessary for the task force to perform its duties.

(4) Upon presentation of its report to the Governor and the* * * 2014 Regular Session of the Legislature, the task force shall be dissolved.

SECTION 6. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2171

Description: Real estate brokers; not be liable for wrong square footage of property.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 500

History of Actions:

1	01/14	(S) Referred To Business and Financial Institutions
2	01/29	(S) Title Suff Do Pass
3	02/07	(S) Tabled Subject To Call
4	02/12	(S) Amended
5	02/12	(S) Passed As Amended {Vote}
6	02/14	(S) Transmitted To House
7	02/21	(H) Referred To Judiciary A
8	02/28	(H) Title Suff Do Pass As Amended
9	03/05	(H) Amended
10	03/05	(H) Passed As Amended {Vote}
11	03/06	(H) Returned For Concurrence
12	03/27	(S) Concurred in Amend From House {Vote}
13	03/30	(S) Enrolled Bill Signed
14	04/01	(H) Enrolled Bill Signed
15	04/18	Approved by Governor

Amendments:

[S] Amendment No 1 *Adopted* Voice Vote

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2171

----- Additional Information -----

Senate Committee: Business and Financial Institutions

House Committee: Judiciary A

Principal Author: Longwitz

Additional Authors: Harkins

Title: AN ACT TO PROVIDE THAT SIZE OR AREA OF REAL PROPERTY SHALL NOT BE REQUIRED TO BE DISCLOSED BY ANY REAL ESTATE LICENSEE AND DISCLOSURE SHALL NOT BE CONSIDERED AS ANY WARRANTY OR GUARANTEE OF THE SIZE OR AREA INFORMATION; TO PROVIDE THAT A REAL ESTATE LICENSEE HAS NO DUTY TO THE SELLER OR PURCHASER TO CONDUCT AN INDEPENDENT INVESTIGATION OF THE SIZE OR AREA OF THE REAL PROPERTY; TO PROVIDE THAT A REAL ESTATE LICENSEE SHALL NOT BE SUBJECT TO LIABILITY FOR DAMAGES SUSTAINED WITH REGARD TO ANY CONFLICTING MEASUREMENTS OR OPINIONS OF SIZE OR AREA; TO PROVIDE THAT A REAL ESTATE LICENSEE MAY BE LIABLE ONLY WHEN HE KNOWINGLY VIOLATES THE DUTY TO DISCLOSE THE SOURCE OF THE INFORMATION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Business and Financial Institutions

By: Senator(s) Longwitz, Harkins

Senate Bill 2171

(As Sent to Governor)

AN ACT TO PROVIDE THAT SIZE OR AREA OF REAL PROPERTY SHALL NOT BE REQUIRED TO BE DISCLOSED BY ANY REAL ESTATE LICENSEE AND DISCLOSURE SHALL NOT BE CONSIDERED AS ANY WARRANTY OR GUARANTEE OF THE SIZE OR AREA INFORMATION; TO PROVIDE THAT A REAL ESTATE LICENSEE HAS NO DUTY TO THE SELLER OR PURCHASER TO CONDUCT AN INDEPENDENT INVESTIGATION OF THE SIZE OR AREA OF THE REAL PROPERTY; TO PROVIDE THAT A REAL ESTATE LICENSEE SHALL NOT BE SUBJECT TO LIABILITY FOR DAMAGES SUSTAINED WITH REGARD TO ANY CONFLICTING MEASUREMENTS OR OPINIONS OF SIZE OR AREA; TO PROVIDE THAT A REAL ESTATE LICENSEE MAY BE LIABLE ONLY WHEN HE KNOWINGLY VIOLATES THE DUTY TO DISCLOSE THE SOURCE OF THE INFORMATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) (a) In connection with any real estate transaction, the size or area, in square footage or otherwise, of the subject property, if provided by any real estate licensee in accordance with paragraph (b)(i) and (ii), shall not be considered any warranty or guarantee of the size or area information, in square footage or otherwise, of the subject property.

(b) (i) If a real estate licensee provides any party to a real estate transaction with third-party information concerning the size or area, in square footage or otherwise, of the subject property involved in the transaction, the licensee shall identify the source of the information.

(ii) For the purposes of this section, "third-party information" means:

1. An appraisal or any measurement information prepared by a licensed appraiser;
2. A surveyor developer's plan prepared by a licensed surveyor;
3. A tax assessor's public record; or

4. A builder's plan used to construct or market the property.

(c) A real estate licensee has no duty to the seller or purchaser of real property to conduct an independent investigation of the size or area, in square footage or otherwise, of a subject property, or to independently verify the accuracy of any third-party information.

(d) A real estate licensee who has complied with the requirements of this section, as applicable, shall have no further duties to the seller or purchaser of real property regarding disclosed or undisclosed property size or area information, and shall not be subject to liability to any party for any damages sustained with regard to any conflicting measurements or opinions of size or area, including exemplary or punitive damages.

(2) (a) If a real estate licensee has provided third-party information to any party to a real estate transaction concerning size or area of the subject real property, a party to the real estate transaction may recover damages from the licensee in a civil action only when a licensee knowingly violates the duty to disclose the source of the information as required in this section. However, nothing in this act shall provide immunity from civil liability to any licensee who knowingly misrepresents the size or area of the subject real property.

(b) The sole and exclusive civil remedy at common law or otherwise for a violation of this section by a real estate licensee shall be an action for actual damages suffered by the party as a result of such violation and shall not include exemplary or punitive damages.

(c) For any real estate transaction commenced after the effective date of this section, any civil action brought pursuant to this section shall be commenced within two (2) years after the date of transfer of the subject real property.

(d) In any civil action brought pursuant to this section, the prevailing party shall be allowed court costs and reasonable attorney fees to be set by the court and collected as costs of the action.

(e) A transfer of a possessory interest in real property subject to the provisions of this section may not be invalidated

solely because of the failure of any person to comply with the provisions of this section.

(f) The provisions of this section shall apply to, regulate and determine the rights, duties, obligations and remedies, at common law or otherwise, of the seller marketing the seller's real property for sale through a real estate licensee, and of the purchaser of real property offered for sale through a real estate licensee, with respect to disclosure of third-party information concerning the subject real property's size or area, in square footage or otherwise, and this section hereby supplants and abrogates all common-law liability, rights, duties, obligations and remedies of all parties therefor.

SECTION 2. Section 1 shall be codified within Chapter 35, Title 73, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2188

Description: Teacher and administrator licensure; clarify grounds for license denial and procedures for reinstatement.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 496

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/14 | (S) | Referred To Education |
| 2 | 01/24 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/07 | (S) | Committee Substitute Adopted |
| 4 | 02/07 | (S) | Passed {Vote} |
| 5 | 02/08 | (S) | Transmitted To House |
| 6 | 02/20 | (H) | Referred To Education |
| 7 | 02/27 | (H) | Title Suff Do Pass As Amended |
| 8 | 03/06 | (H) | Amended |
| 9 | 03/06 | (H) | Passed As Amended {Vote} |
| 10 | 03/07 | (H) | Returned For Concurrence |
| 11 | 03/20 | (S) | Decline to Concur/Invite Conf |
| 12 | 03/25 | (S) | Conferees Named Tollison, Collins, Polk |
| 13 | 03/27 | (H) | Conferees Named Moore, Currie, Guice |
| 14 | 04/01 | (S) | Conference Report Filed |
| 15 | 04/01 | (H) | Conference Report Filed |
| 16 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 17 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 18 | 04/08 | (S) | Enrolled Bill Signed |
| 19 | 04/08 | (H) | Enrolled Bill Signed |
| 20 | 04/18 | | Approved by Governor |

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2188

Conference Reports:

| Conference Report

Code Section: A 037-0003-0002

----- **Additional Information** -----

Senate Committee: Education

House Committee: Education

Principal Author: Tollison

Title: AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THE GROUNDS FOR TEACHER OR ADMINISTRATOR LICENSURE DENIAL BY THE STATE BOARD OF EDUCATION AND TO PROVIDE CERTAIN STANDARDS AND PROCEDURES FOR REINSTATEMENT OF TEACHER OR ADMINISTRATOR LICENSES; TO PRESCRIBE CERTAIN EDUCATIONAL CRITERIA FOR TEACHER LICENSURE UNDER THE STANDARD AND ALTERNATIVE ROUTE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2188

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education

By: Senator(s) Tollison

Senate Bill 2188

(As Sent to Governor)

AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THE GROUNDS FOR TEACHER OR ADMINISTRATOR LICENSURE DENIAL BY THE STATE BOARD OF EDUCATION AND TO PROVIDE CERTAIN STANDARDS AND PROCEDURES FOR REINSTATEMENT OF TEACHER OR ADMINISTRATOR LICENSES; TO PRESCRIBE CERTAIN EDUCATIONAL CRITERIA FOR TEACHER LICENSURE UNDER THE STANDARD AND ALTERNATIVE ROUTE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-3-2, Mississippi Code of 1972, as amended by Senate Bill No. 2419, 2013 Regular Session, is amended as follows:

37-3-2. (1) There is established within the State Department of Education the Commission on Teacher and Administrator Education, Certification and Licensure and Development. It shall be the purpose and duty of the commission to make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.

(2) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each congressional district: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the State Board for Community and Junior Colleges; one (1) local school board member; and four (4) laypersons. All appointments shall be made by the

State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

(3) The State Board of Education when making appointments shall designate a chairman. The commission shall meet at least once every two (2) months or more often if needed. Members of the commission shall be compensated at a rate of per diem as authorized by Section 25-3-69 and be reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

(4) (a) An appropriate staff member of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve as executive secretary and coordinator for the commission. No less than two (2) other appropriate staff members of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve on the staff of the commission.

(b) An Office of Educator Misconduct Evaluations shall be established within the State Department of Education to assist the commission in responding to infractions and violations, and in conducting hearings and enforcing the provisions of Section 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972, and violations of the Mississippi Educator Code of Ethics.

(5) It shall be the duty of the commission to:

(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation programs in the state;

(b) Recommend to the State Board of Education each year approval or disapproval of each educator preparation program in the state, subject to a process and schedule determined by the State Board of Education;

(c) Establish, subject to the approval of the State Board of Education, standards for initial teacher certification and licensure in all fields;

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(d) Establish, subject to the approval of the State Board of Education, standards for the renewal of teacher licenses in all fields;

(e) Review and evaluate objective measures of teacher performance, such as test scores, which may form part of the licensure process, and to make recommendations for their use;

(f) Review all existing requirements for certification and licensure;

(g) Consult with groups whose work may be affected by the commission's decisions;

(h) Prepare reports from time to time on current practices and issues in the general area of teacher education and certification and licensure;

(i) Hold hearings concerning standards for teachers' and administrators' education and certification and licensure with approval of the State Board of Education;

(j) Hire expert consultants with approval of the State Board of Education;

(k) Set up ad hoc committees to advise on specific areas; and

(l) Perform such other functions as may fall within their general charge and which may be delegated to them by the State Board of Education.

(6) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements. Applicants for a standard license shall submit to the department:

(i) An application on a department form;

(ii) An official transcript of completion of a teacher education program approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a bachelor of science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person's college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher Education and Certification (NASDTEC) or, for those applicants who have a bachelor of science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS);

(iii) A copy of test scores evidencing satisfactory completion of nationally administered examinations of achievement, such as the Educational Testing Service's teacher testing examinations; * * *

(iv) Any other document required by the State Board of Education; and

(v) From and after September 30, 2015, no teacher candidate shall be licensed to teach in Mississippi who did not meet the following criteria for entrance into an approved teacher education program:

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1. 21 ACT equivalent or achieve the nationally recommended passing score on the Praxis Core Academic Skills for Educators examination; and

2. No less than 2.75 GPA on pre-major coursework of the institution's approved teacher education program provided that the accepted cohort of candidates meets or exceeds a 3.0 GPA on pre-major coursework.

(b) Standard License - Nontraditional Teaching Route.
From and after September 30, 2015, no teacher candidate shall be licensed to teach in Mississippi under the alternate route who did not meet the following criteria:

(i) 21 ACT equivalent or achieve the nationally recommended passing score on the Praxis Core Academic Skills for Educators examination; and

(ii) No less than 2.75 GPA on content coursework in the requested area of certification provided that the accepted cohort of candidates of the institution's teacher education program meets or exceeds a 3.0 GPA on pre-major coursework from the approved teacher education program.

Beginning January 1, 2004, an individual who has a passing score on the Praxis I Basic Skills and Praxis II Specialty Area Test in the requested area of endorsement may apply for the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.

(i) The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include, but not be limited to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and pedagogy, using test results to improve instruction, and a one (1) semester three-hour supervised internship to be completed while the teacher is employed as a full-time teacher intern in a local school district. The TMI shall be implemented on a pilot program basis, with courses to be offered at up to four (4)

locations in the state, with one (1) TMI site to be located in each of the three (3) Mississippi Supreme Court districts.

(ii) The school sponsoring the teacher intern shall enter into a written agreement with the institution providing the Teach Mississippi Institute (TMI) program, under terms and conditions as agreed upon by the contracting parties, providing that the school district shall provide teacher interns seeking a nontraditional provisional teaching license with a one-year classroom teaching experience. The teacher intern shall successfully complete the one (1) semester three-hour intensive internship in the school district during the semester immediately following successful completion of the TMI and prior to the end of the one-year classroom teaching experience.

(iii) Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his transcript to the commission for provisional licensure of the intern teacher, and the intern teacher shall be issued a provisional teaching license by the commission, which will allow the individual to legally serve as a teacher while the person completes a nontraditional teacher preparation internship program.

(iv) During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.

(v) An individual issued a provisional teaching license under this nontraditional route shall successfully complete, at a minimum, a one-year beginning teacher mentoring and induction program administered by the employing school

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district with the assistance of the State Department of Education.

(vi) Upon successful completion of the TMI and the internship provisional license period, applicants for a Standard License - Nontraditional Route shall submit to the commission a transcript of successful completion of the twelve (12) semester hours required in the internship program, and the employing school district shall submit to the commission a recommendation for standard licensure of the intern. If the school district recommends licensure, the applicant shall be issued a Standard License - Nontraditional Route which shall be valid for a five-year period and be renewable.

(vii) At the discretion of the teacher preparation institution, the individual shall be allowed to credit the twelve (12) semester hours earned in the nontraditional teacher internship program toward the graduate hours required for a Master of Arts in Teacher (MAT) Degree.

(viii) The local school district in which the nontraditional teacher intern or provisional licensee is employed shall compensate such teacher interns at Step 1 of the required salary level during the period of time such individual is completing teacher internship requirements and shall compensate such Standard License - Nontraditional Route teachers at Step 3 of the required salary level when they complete license requirements.

Implementation of the TMI program provided for under this paragraph (b) shall be contingent upon the availability of funds appropriated specifically for such purpose by the Legislature. Such implementation of the TMI program may not be deemed to prohibit the State Board of Education from developing and implementing additional alternative route teacher licensure programs, as deemed appropriate by the board. The emergency certification program in effect prior to July 1, 2002, shall remain in effect.

A Standard License - Approved Program Route shall be issued for a five-year period, and may be renewed. Recognizing teaching as a profession, a hiring preference shall be granted to persons holding a Standard License - Approved Program Route or Standard License - Nontraditional Teaching Route over persons holding any other license.

(c) **Special License - Expert Citizen.** In order to allow a school district to offer specialized or technical courses, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may grant a one-year expert citizen-teacher license to local business or other professional personnel to teach in a public school or nonpublic school accredited or approved by the state. Such person may begin teaching upon his employment by the local school board and licensure by the Mississippi Department of Education. The board shall adopt rules and regulations to administer the expert citizen-teacher license. A Special License - Expert Citizen may be renewed in accordance with the established rules and regulations of the State Department of Education.

(d) **Special License - Nonrenewable.** The State Board of Education is authorized to establish rules and regulations to allow those educators not meeting requirements in subsection (6)(a), (b) or (c) to be licensed for a period of not more than three (3) years, except by special approval of the State Board of Education.

(e) **Nonlicensed Teaching Personnel.** A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission and approved by the State Board of Education. In no case shall any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.** Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a

language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

(g) In the event any school district meets the highest accreditation standards as defined by the State Board of Education in the accountability system, the State Board of Education, in its discretion, may exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

(h) **Highly Qualified Teachers.** Beginning July 1, 2006, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act, must be granted a standard five-year license by the State Department of Education.

(7) **Administrator License.** The State Board of Education is authorized to establish rules and regulations and to administer the licensure process of the school administrators in the State of Mississippi. There will be four (4) categories of administrator licensure with exceptions only through special approval of the State Board of Education.

(a) **Administrator License - Nonpracticing.** Those educators holding administrative endorsement but having no administrative experience or not serving in an administrative position on January 15, 1997.

(b) **Administrator License - Entry Level.** Those educators holding administrative endorsement and having met the

department's qualifications to be eligible for employment in a Mississippi school district. Administrator License - Entry Level shall be issued for a five-year period and shall be nonrenewable.

(c) Standard Administrator License - Career Level.

An administrator who has met all the requirements of the department for standard administrator licensure.

(d) Administrator License - Nontraditional Route.

The board may establish a nontraditional route for licensing administrative personnel. Such nontraditional route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

Individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the State Board of Education. All applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(8) Reciprocity. (a) The department shall grant a standard license to any individual who possesses a valid standard license from another state and meets minimum Mississippi license requirements or equivalent requirements as determined by the State Board of Education. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 1 of this act.

(b) The department shall grant a nonrenewable special license to any individual who possesses a credential which is less than a standard license or certification from another state. Such special license shall be valid for the current school year plus one (1) additional school year to expire on June 30 of the second year, not to exceed a total period of twenty-four (24) months, during which time the applicant

shall be required to complete the requirements for a standard license in Mississippi.

(9) **Renewal and Reinstatement of Licenses.** The State Board of Education is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree.

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission of Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission or its subcommittee shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the committee or its subcommittee. An appeal to the State Board of Education shall be on the record previously made before the commission or its subcommittee unless otherwise provided by rules and regulations adopted by the board. The State Board of Education in its authority may reverse, or remand with instructions, the decision of the committee or its subcommittee. The decision of the State Board of Education shall be final.

(11) The State Board of Education, acting through the commission, may deny an application for any teacher or administrator license for one or more of the following:

(a) Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;

(b) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the

duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

(c) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effect, at the time of application for a license;

(d) Revocation* * *, suspension or surrender of an applicant's certificate or license by another state shall result in immediate denial of licensure until such time that the records predicateding the revocation, suspension or surrender in the prior state have been cleared;

(e) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;

(f) Failing or refusing to furnish reasonable evidence of identification;

(g) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law;* * *

(h) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law. For purposes of this paragraph (h) and paragraph (g) of this subsection, a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion; or

(i) Probation or post-release supervision for a felony or sex offense conviction, as defined by federal or state law, shall result in the immediate denial of licensure application until expiration of the probationary or post-release supervision period.

(12) The State Board of Education, acting on the recommendation of the commission, may revoke or suspend any teacher or administrator license for specified periods of time for one or more of the following:

(a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57;

(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;

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(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;

(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this paragraph, a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(e) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense, as defined by federal or state law, shall result in immediate suspension or revocation;

(f) The license holder has received probation or post-release supervision for a felony or sex offense conviction, as defined by federal or state law, which shall result in immediate suspension or revocation until expiration of the probationary or post-release supervision period;

(* * *g) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1);

(* * *h) The license holder has engaged in unethical conduct relating to an educator/student relationship as identified by the State Board of Education in its rules;

(* * *i) The license holder has fondled a student as described in Section 97-5-23, or had any type of sexual involvement with a student as described in Section 97-3-95; or

(* * *j) The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.

(13) (a) Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense.

(b) Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

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(c) A person may voluntarily surrender a license. The surrender of such license may result in the commission recommending any of the above penalties without the necessity of a hearing. However, any such license which has voluntarily been surrendered by a licensed employee may only be reinstated by a majority vote of all members of the commission present at the meeting called for such purpose.

(14) (a) A person whose license has been * * * revoked or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of * * * revocation or surrender, or after one-half (1/2) of the * * * revoked or surrendered time has lapsed, whichever is greater. A person whose license has been suspended on any grounds or violations under subsection (12) of this section may be reinstated automatically or approved for a reinstatement hearing, upon submission of a written request to the commission. A license suspended * * *, revoked or surrendered on * * * criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon conviction. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

(b) A person whose license expires while under investigation by the Office of Educator Misconduct for an alleged violation may not be reinstated without a hearing before the commission if required based on the results of the investigation.

(15) Reporting procedures and hearing procedures for dealing with infractions under this section shall be promulgated by the commission, subject to the approval of the State Board of Education. The revocation or suspension of a license shall be effected at the time indicated on the notice of suspension or revocation. The commission shall immediately notify the superintendent of the school district or school board where the teacher or administrator is employed of any disciplinary action and also notify the teacher or administrator of such

revocation or suspension and shall maintain records of action taken. The State Board of Education may reverse or remand with instructions any decision of the commission regarding a petition for reinstatement of a license, and any such decision of the State Board of Education shall be final.

(16) An appeal from the action of the State Board of Education in denying an application, revoking or suspending a license or otherwise disciplining any person under the provisions of this section shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be filed within thirty (30) days after notification of the action of the board is mailed or served and the proceedings in chancery court shall be conducted as other matters coming before the court. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of preparation of the record of the proceedings by the State Board of Education, and the filing of a bond in the sum of Two Hundred Dollars (\$200.00) conditioned that if the action of the board be affirmed by the chancery court, the applicant or license holder shall pay the costs of the appeal and the action of the chancery court.

(17) All such programs, rules, regulations, standards and criteria recommended or authorized by the commission shall become effective upon approval by the State Board of Education as designated by appropriate orders entered upon the minutes thereof.

(18) The granting of a license shall not be deemed a property right nor a guarantee of employment in any public school district. A license is a privilege indicating minimal eligibility for teaching in the public schools of Mississippi. This section shall in no way alter or abridge the authority of local school districts to require greater qualifications or standards of performance as a prerequisite of initial or continued employment in such districts.

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the

procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2223

Description: Terrorism and champerty; add an aggravating circumstance for capital offenses and clarify prohibition.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 556

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (S) | Referred To Judiciary, Division A |
| 2 | 01/31 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/06 | (S) | Committee Substitute Adopted |
| 4 | 02/06 | (S) | Passed {Vote} |
| 5 | 02/07 | (S) | Transmitted To House |
| 6 | 02/21 | (H) | Referred To Judiciary A |
| 7 | 02/28 | (H) | Title Suff Do Pass |
| 8 | 03/07 | (H) | Amended |
| 9 | 03/07 | (H) | Passed As Amended {Vote} |
| 10 | 03/13 | (H) | Returned For Concurrence |
| 11 | 03/26 | (S) | Decline to Concur/Invite Conf |
| 12 | 03/29 | (S) | Conferees Named Hopson, Doty, Montgomery |
| 13 | 03/29 | (H) | Conferees Named Baker, Beckett, Bounds |
| 14 | 04/01 | (S) | Conference Report Filed |
| 15 | 04/01 | (H) | Conference Report Filed |
| 16 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 17 | 04/02 | (S) | Recommitted For Further Conf |
| 18 | 04/02 | (H) | Motion to Reconsider Entered (Baker,
Reynolds) |
| 19 | 04/02 | (H) | Reconsidered |
| 20 | 04/02 | (H) | Recommitted For Further Conf |
| 21 | 04/02 | (S) | Conference Report Filed |
| 22 | 04/02 | (H) | Conference Report Filed |
| 23 | 04/03 | (H) | Conference Report Adopted {Vote} |

2013 GENERAL LAWS OF MISSISSIPPI SB 2223

24 04/03 (S) Conference Report Adopted {Vote}
25 04/08 (S) Enrolled Bill Signed
26 04/08 (H) Enrolled Bill Signed
27 04/25 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 2 *Adopted* Voice Vote

[H] Amendment No 3 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2223

Conference Reports:

| Conference Report

| Conference Report # 2

Code Section: A 099-0019-0101, A 073-0003-0057, A 097-0009-0011

----- Additional Information -----

Senate Committee: Judiciary, Division A

House Committee: Judiciary A

Principal Author: McDaniel

Title: AN ACT TO AMEND SECTION 99-19-101, MISSISSIPPI CODE OF 1972, TO ADD AS AGGRAVATING FACTOR FOR CAPITAL CASES CERTAIN ACTS OF TERRORISM; TO AMEND SECTIONS 73-3-57 AND 97-9-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT PROHIBITION AGAINST CHAMPERTY AND MAINTENANCE SHALL APPLY TO ATTORNEYS AND PERSONS FROM ALL STATES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2223

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division A

By: Senator(s) McDaniel

Senate Bill 2223

(As Sent to Governor)

AN ACT TO AMEND SECTION 99-19-101, MISSISSIPPI CODE OF 1972, TO ADD AS AGGRAVATING FACTOR FOR CAPITAL CASES CERTAIN ACTS OF TERRORISM; TO AMEND SECTIONS 73-3-57 AND 97-9-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT PROHIBITION AGAINST CHAMPERTY AND MAINTENANCE SHALL APPLY TO ATTORNEYS AND PERSONS FROM ALL STATES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 99-19-101, Mississippi Code of 1972, is amended as follows:

99-19-101. (1) Upon conviction or adjudication of guilt of a defendant of capital murder or other capital offense, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death, life imprisonment without eligibility for parole, or life imprisonment. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a jury to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose or may be conducted before the trial judge sitting without a jury if both the State of Mississippi and the defendant agree thereto in writing. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence, and shall include matters relating to any of the aggravating or mitigating circumstances. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the * * * Constitution of the United States or of the State of Mississippi. The state and the defendant and * * * the defendant's counsel shall be permitted to present arguments for or against the sentence of death.

(2) After hearing all the evidence, the jury shall deliberate on the following matters:

(a) Whether sufficient factors exist as enumerated in subsection (7) of this section;

(b) Whether sufficient aggravating circumstances exist as enumerated in subsection (5) of this section;

(c) Whether sufficient mitigating circumstances exist as enumerated in subsection (6) of this section, which outweigh the aggravating circumstances found to exist; and

(d) Based on these considerations, whether the defendant should be sentenced to life imprisonment, life imprisonment without eligibility for parole, or death.

(3) For the jury to impose a sentence of death, it must unanimously find in writing the following:

(a) That sufficient factors exist as enumerated in subsection (7) of this section;

(b) That sufficient aggravating circumstances exist as enumerated in subsection (5) of this section; and

(c) That there are insufficient mitigating circumstances, as enumerated in subsection (6), to outweigh the aggravating circumstances.

In each case in which the jury imposes the death sentence, the determination of the jury shall be supported by specific written findings of fact based upon the circumstances in subsections (5) and (6) of this section and upon the records of the trial and the sentencing proceedings. If, after the trial of the penalty phase, the jury does not make the findings requiring the death sentence or life imprisonment without eligibility for parole, or is unable to reach a decision, the court shall impose a sentence of life imprisonment.

(4) The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court of Mississippi within sixty (60) days after certification by the sentencing court of the entire record, unless the time is extended for an additional period by the Supreme Court for good cause shown. * * * The review by the Supreme Court shall have priority over all other cases and shall be heard in accordance with rules promulgated by the Supreme Court.

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(5) Aggravating circumstances shall be limited to the following:

(a) The capital offense was committed by a person under sentence of imprisonment.

(b) The defendant was previously convicted of another capital offense or of a felony involving the use or threat of violence to the person.

(c) The defendant knowingly created a great risk of death to many persons.

(d) The capital offense was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any robbery, rape, arson, burglary, kidnapping, aircraft piracy, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or felonious abuse * * * or battery of a child in violation of subsection (2) of Section 97-5-39 * * *, or the unlawful use or detonation of a bomb or explosive device.

(e) The capital offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

(f) The capital offense was committed for pecuniary gain.

(g) The capital offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.

(h) The capital offense was committed to influence the policy of a governmental entity by intimidation or coercion, or to affect the conduct of a governmental entity by mass destruction or assassination.

(* * *i) The capital offense was especially heinous, atrocious or cruel.

(j) The capital offense was committed to intimidate or coerce a civilian population.

(6) Mitigating circumstances shall be the following:

(a) The defendant has no significant history of prior criminal activity.

(b) The offense was committed while the defendant was under the influence of extreme mental or emotional disturbance.

(c) The victim was a participant in the defendant's conduct or consented to the act.

(d) The defendant was an accomplice in the capital offense committed by another person and his participation was relatively minor.

(e) The defendant acted under extreme duress or under the substantial domination of another person.

(f) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired.

(g) The age of the defendant at the time of the crime.

(7) In order to return and impose a sentence of death the jury must make a written finding of one or more of the following:

(a) The defendant actually killed;

(b) The defendant attempted to kill;

(c) The defendant intended that a killing take place;

(d) The defendant contemplated that lethal force would be employed.

(8) For the purposes of this section, to "intimidate" or "coerce" do not include peaceful picketing, boycotts or other nonviolent action.

SECTION 2. Section 73-3-57, Mississippi Code of 1972, is amended as follows:

73-3-57. It shall be unlawful for an attorney at law licensed in this or any other state, either before or after action brought, to promise, or give or offer to promise or give, a valuable consideration to any person as an inducement to placing, or in consideration of having placed in his hands, or in the hands of any partnership of which he is a member, a demand of any kind, for the purpose of bringing suit or making claim against another, or to employ a person to search for and procure clients to be brought to such attorney.

SECTION 3. Section 97-9-11, Mississippi Code of 1972, is amended as follows:

2013 GENERAL LAWS OF MISSISSIPPI SB 2223

97-9-11. It shall be unlawful for any person, firm, partnership, corporation, group, organization, or association, either incorporated or unincorporated from this state or any other state, either before or after proceedings commenced: (a) to promise, give, or offer, or to conspire or agree to promise, give, or offer, (b) to receive or accept, or to agree or conspire to receive or accept, (c) to solicit, request, or donate, any money, bank note, bank check, chose in action, personal services, or any other personal or real property, or any other thing of value, or any other assistance as an inducement to any person to commence or to prosecute further, or for the purpose of assisting such person to commence or prosecute further, any proceeding in any court or before any administrative board or other agency, regardless of jurisdiction; provided, however, this section shall not be construed to prohibit the constitutional right of regular employment of any attorney at law or solicitor in chancery, for either a fixed fee or upon a contingent basis, to represent such person, firm, partnership, corporation, group, organization, or association before any court or administrative agency.

SECTION 4. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2244

Description: Sales tax; exempt sales of tangible personal property made to raise funds for schools.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: Revenue

Revenue: Yes

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 498

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (S) | Referred To Finance |
| 2 | 02/26 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/27 | (S) | Committee Substitute Adopted |
| 4 | 02/27 | (S) | Passed {Vote} |
| 5 | 02/28 | (S) | Transmitted To House |
| 6 | 03/08 | (H) | Referred To Ways and Means |
| 7 | 03/12 | (H) | Title Suff Do Pass As Amended |
| 8 | 03/13 | (H) | Amended |
| 9 | 03/13 | (H) | Passed As Amended {Vote} |
| 10 | 03/13 | (H) | Immediate Release |
| 11 | 03/13 | (H) | Returned For Concurrence |
| 12 | 03/20 | (S) | Decline to Concur/Invite Conf |
| 13 | 03/25 | (S) | Conferees Named Fillingane,McDaniel,Kirby |
| 14 | 03/26 | (H) | Conferees Named Smith (39th),Rogers |
- (61st), Staples
- | | | | |
|----|-------|-----|----------------------------------|
| 15 | 03/27 | (H) | Conference Report Filed |
| 16 | 03/27 | (S) | Conference Report Filed |
| 17 | 03/28 | (S) | Recommitted For Further Conf |
| 18 | 03/28 | (H) | Recommitted For Further Conf |
| 19 | 03/29 | (H) | Conference Report Filed |
| 20 | 03/29 | (S) | Conference Report Filed |
| 21 | 03/30 | (H) | Conference Report Adopted {Vote} |
| 22 | 03/31 | (S) | Conference Report Adopted {Vote} |
| 23 | 04/02 | (S) | Enrolled Bill Signed |

2013 GENERAL LAWS OF MISSISSIPPI SB 2244

24 04/02 (H) Enrolled Bill Signed
25 04/18 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for Senate Bill No. 2244

Conference Reports:

| Conference Report

| Conference Report # 2

Code Section: A 027-0065-0103, A 027-0065-0111

----- Additional Information -----

Senate Committee: Finance

House Committee: Ways and Means

Principal Author: McDaniel

Additional Authors: Watson, Tindell

Title: AN ACT TO AMEND SECTION 27-65-103, MISSISSIPPI CODE OF 1972, TO INCLUDE THE SALES BY PRODUCERS OF HONEY BEES OR OTHER PRODUCTS OF APIARIES IN THE LIST OF AGRICULTURAL PRODUCTS EXEMPT FROM SALES TAX; TO AMEND SECTION 27-65-111, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM SALES TAXATION THE GROSS PROCEEDS OF SALES OF TANGIBLE PERSONAL PROPERTY MADE FOR THE SOLE PURPOSE OF RAISING FUNDS FOR A SCHOOL OR AN ORGANIZATION AFFILIATED WITH A SCHOOL; TO EXEMPT FROM SALES TAXATION SALES OF DURABLE MEDICAL EQUIPMENT AND HOME MEDICAL SUPPLIES WHEN ORDERED OR PRESCRIBED BY A LICENSED PHYSICIAN FOR MEDICAL PURPOSES OF A PATIENT, AND WHEN PAYMENT FOR THE EQUIPMENT OR SUPPLIES IS MADE, IN PART OR IN WHOLE, ON BEHALF OF OR FOR THE BENEFIT OF AN INSURED AS A COVERED BENEFIT UNDER AN INSURANCE POLICY, CONTRACT OR PLAN; TO EXEMPT FROM SALES TAXATION SALES OF TANGIBLE PERSONAL PROPERTY OR SERVICES TO MISSISSIPPI BLOOD SERVICES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2244

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Finance

By: Senator(s) McDaniel, Watson, Tindell

Senate Bill 2244

(As Sent to Governor)

AN ACT TO AMEND SECTION 27-65-103, MISSISSIPPI CODE OF 1972, TO INCLUDE THE SALES BY PRODUCERS OF HONEY BEES OR OTHER PRODUCTS OF APIARIES IN THE LIST OF AGRICULTURAL PRODUCTS EXEMPT FROM SALES TAX; TO AMEND SECTION 27-65-111, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM SALES TAXATION THE GROSS PROCEEDS OF SALES OF TANGIBLE PERSONAL PROPERTY MADE FOR THE SOLE PURPOSE OF RAISING FUNDS FOR A SCHOOL OR AN ORGANIZATION AFFILIATED WITH A SCHOOL; TO EXEMPT FROM SALES TAXATION SALES OF DURABLE MEDICAL EQUIPMENT AND HOME MEDICAL SUPPLIES WHEN ORDERED OR PRESCRIBED BY A LICENSED PHYSICIAN FOR MEDICAL PURPOSES OF A PATIENT, AND WHEN PAYMENT FOR THE EQUIPMENT OR SUPPLIES IS MADE, IN PART OR IN WHOLE, ON BEHALF OF OR FOR THE BENEFIT OF AN INSURED AS A COVERED BENEFIT UNDER AN INSURANCE POLICY, CONTRACT OR PLAN; TO EXEMPT FROM SALES TAXATION SALES OF TANGIBLE PERSONAL PROPERTY OR SERVICES TO MISSISSIPPI BLOOD SERVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-65-103, Mississippi Code of 1972, is amended as follows:

27-65-103. The exemptions from the provisions of this chapter which are of an agricultural nature or which are more properly classified as agricultural exemptions than any other exemption classification of this chapter shall be confined to those persons or property exempted by this section or by provisions of the Constitution of the United States or the State of Mississippi. No agricultural exemption as now provided by any other section shall be valid as against the tax herein levied. Any subsequent agricultural exemption from the tax levied hereunder shall be provided by amendment to this section.

No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972.

The tax levied by this chapter shall not apply to the following:

(a) The gross proceeds of sales of lint cotton, seed cotton, baled cotton, whether compressed or not, and cottonseed and soybeans in their original condition. Retail sales of seeds, livestock feed, poultry feed, fish feed and fertilizers. Sales of defoliants, insecticides, fungicides, herbicides and baby chicks used in growing agricultural products for market. Bagging and ties for baling cotton, hay-baling wire and twine, boxes, bags and cans used in growing or preparing agricultural products for market when possession thereof will pass to the customer at the time of sale of the product contained therein. Sales of ice to commercial fishermen purchased for use in the preservation of seafood or to producers for use in the refrigeration of vegetables for market.

(b) The sales by producers of livestock, poultry, fish, honey bees or other products of farm, grove, apiary or garden when such products are sold in the original state or condition of preparation for sale before such products are subjected to any other process within a class of business or sold by a producer through an established store, as defined in the Privilege Tax Law. However, this exemption shall not apply to ornamental plants which bear no fruit of commercial value. All sales by agricultural cooperative associations organized under Article 9 * * *, Chapter 7 * * *, Title 69, or under * * * Chapter 17 or 19 * * *, Title 79, Mississippi Code of 1972, of agricultural products produced by members for market before such products are subjected to any manufacturing process.

(c) The gross proceeds of retail sales of mules, horses, honey bees and other livestock.

(d) Income from grading, excavating, ditching, dredging or landscaping activities performed for a farmer on a farm for agricultural or soil erosion purposes.

(e) The gross proceeds of sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock, honey bees and poultry by whomever sold. Such exemption shall be in addition to the exemption provided in this section for feed for fish, livestock, honey bees and poultry.

(f) Sales of food products and honey that are grown, made or processed in Mississippi and sold from farmers' markets that have been certified by the Mississippi Department of Agriculture and Commerce.

SECTION 2. Section 27-65-111, Mississippi Code of 1972, is amended as follows:

27-65-111. The exemptions from the provisions of this chapter which are not industrial, agricultural or governmental, or which do not relate to utilities or taxes, or which are not properly classified as one (1) of the exemption classifications of this chapter, shall be confined to persons or property exempted by this section or by the Constitution of the United States or the State of Mississippi. No exemptions as now provided by any other section, except the classified exemption sections of this chapter set forth herein, shall be valid as against the tax herein levied. Any subsequent exemption from the tax levied hereunder, except as indicated above, shall be provided by amendments to this section.

No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972.

The tax levied by this chapter shall not apply to the following:

(a) Sales of tangible personal property and services to hospitals or infirmaries owned and operated by a corporation or association in which no part of the net earnings inures to the benefit of any private shareholder, group or individual, and which are subject to and governed by Sections 41-7-123 through 41-7-127.

Only sales of tangible personal property or services which are ordinary and necessary to the operation of such hospitals and infirmaries are exempted from tax.

(b) Sales of daily or weekly newspapers, and periodicals or publications of scientific, literary or educational organizations exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1954, as it exists as of March 31, 1975, and subscription sales of all magazines.

(c) Sales of coffins, caskets and other materials used in the preparation of human bodies for burial.

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(d) Sales of tangible personal property for immediate export to a foreign country.

(e) Sales of tangible personal property to an orphanage, old men's or ladies' home, supported wholly or in part by a religious denomination, fraternal nonprofit organization or other nonprofit organization.

(f) Sales of tangible personal property, labor or services taxable under Sections 27-65-17, 27-65-19 and 27-65-23, to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a corporation or association in which no part of the net earnings inures to the benefit of any private shareholder, group or individual.

(g) Sales to elementary and secondary grade schools, junior and senior colleges owned and operated by a corporation or association in which no part of the net earnings inures to the benefit of any private shareholder, group or individual, and which are exempt from state income taxation, provided that this exemption does not apply to sales of property or services which are not to be used in the ordinary operation of the school, or which are to be resold to the students or the public.

(h) The gross proceeds of retail sales and the use or consumption in this state of drugs and medicines:

(i) Prescribed for the treatment of a human being by a person authorized to prescribe the medicines, and dispensed or prescription filled by a registered pharmacist in accordance with law; or

(ii) Furnished by a licensed physician, surgeon, dentist or podiatrist to his own patient for treatment of the patient; or

(iii) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, surgeon, dentist or podiatrist; or

(iv) Sold to a licensed physician, surgeon, podiatrist, dentist or hospital for the treatment of a human being; or

(v) Sold to this state or any political subdivision or municipal corporation thereof, for use in the treatment of a human being or furnished for the treatment of a human being by a medical facility or clinic maintained by this state or any political subdivision or municipal corporation thereof.

"Medicines," as used in this paragraph (h), shall mean and include any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease and which is commonly recognized as a substance or preparation intended for such use; provided that "medicines" do not include any auditory, prosthetic, ophthalmic or ocular device or appliance, any dentures or parts thereof or any artificial limbs or their replacement parts, articles which are in the nature of splints, bandages, pads, compresses, supports, dressings, instruments, apparatus, contrivances, appliances, devices or other mechanical, electronic, optical or physical equipment or article or the component parts and accessories thereof, or any alcoholic beverage or any other drug or medicine not commonly referred to as a prescription drug.

Notwithstanding the preceding sentence of this paragraph (h), "medicines" as used in this paragraph (h), shall mean and include sutures, whether or not permanently implanted, bone screws, bone pins, pacemakers and other articles permanently implanted in the human body to assist the functioning of any natural organ, artery, vein or limb and which remain or dissolve in the body.

"Hospital," as used in this paragraph (h), shall have the meaning ascribed to it in Section 41-9-3, Mississippi Code of 1972.

Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on prescription within the meaning of this paragraph (h).

(i) Retail sales of automobiles, trucks and truck-tractors if exported from this state within forty-eight (48) hours and registered and first used in another state.

(j) Sales of tangible personal property or services to the Salvation Army and the Muscular Dystrophy Association, Inc.

(k) From July 1, 1985, through December 31, 1992, retail sales of "alcohol blended fuel" as such term is defined in Section 75-55-5. The gasoline-alcohol blend or the straight alcohol eligible for this exemption shall not contain alcohol distilled outside the State of Mississippi.

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(l) Sales of tangible personal property or services to the Institute for Technology Development.

(m) The gross proceeds of retail sales of food and drink for human consumption made through vending machines serviced by full line vendors from and not connected with other taxable businesses.

(n) The gross proceeds of sales of motor fuel.

(o) Retail sales of food for human consumption purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, from and after October 1, 1987, or from and after the expiration of any waiver granted pursuant to federal law, the effect of which waiver is to permit the collection by the state of tax on such retail sales of food for human consumption purchased with food stamps.

(p) Sales of cookies for human consumption by the Girl Scouts of America no part of the net earnings from which sales inures to the benefit of any private group or individual.

(q) Gifts or sales of tangible personal property or services to public or private nonprofit museums of art.

(r) Sales of tangible personal property or services to alumni associations of state-supported colleges or universities.

(s) Sales of tangible personal property or services to chapters of the National Association of Junior Auxiliaries, Inc.

(t) Sales of tangible personal property or services to domestic violence shelters which qualify for state funding under Sections 93-21-101 through 93-21-113.

(u) Sales of tangible personal property or services to the National Multiple Sclerosis Society, Mississippi Chapter.

(v) Retail sales of food for human consumption purchased with food instruments issued the Mississippi Band of Choctaw Indians under the Women, Infants and Children Program (WIC) funded by the United States Department of Agriculture.

(w) Sales of tangible personal property or services to a private company, as defined in Section 57-61-5, which is making such purchases with proceeds of bonds issued under

Section 57-61-1 et seq., the Mississippi Business Investment Act.

(x) The gross collections from the operation of self-service, coin-operated car washing equipment and sales of the service of washing motor vehicles with portable high-pressure washing equipment on the premises of the customer.

(y) Sales of tangible personal property or services to the Mississippi Technology Alliance.

(z) Sales of tangible personal property to nonprofit organizations that provide foster care, adoption services and temporary housing for unwed mothers and their children if the organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(aa) Sales of tangible personal property to nonprofit organizations that provide residential rehabilitation for persons with alcohol and drug dependencies if the organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(bb) Retail sales of an article of clothing or footwear designed to be worn on or about the human body if the sales price of the article is less than One Hundred Dollars (\$100.00) and the sale takes place during a period beginning at 12:01 a.m. on the last Friday in July and ending at 12:00 midnight the following Saturday. This paragraph (bb) shall not apply to:

(i) Accessories including jewelry, handbags, luggage, umbrellas, wallets, watches, backpacks, briefcases, garment bags and similar items carried on or about the human body, without regard to whether worn on the body in a manner characteristic of clothing;

(ii) The rental of clothing or footwear; and

(iii) Skis, swim fins, roller blades, skates and similar items worn on the foot.

From and after January 1, 2010, the governing authorities of a municipality, for retail sales occurring within the corporate limits of the municipality, may suspend the application of the exemption provided for in this paragraph (bb) by adoption of a resolution to that effect stating the date upon which the suspension shall take effect. A certified copy of the resolution shall be furnished to the

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* * * Department of Revenue at least ninety (90) days prior to the date upon which the municipality desires such suspension to take effect.

(cc) The gross proceeds of sales of tangible personal property made for the sole purpose of raising funds for a school or an organization affiliated with a school.

As used in this paragraph (cc), "school" means any public or private school that teaches courses of instruction to students in any grade from Kindergarten through Grade 12.

(dd) Sales of durable medical equipment and home medical supplies when ordered or prescribed by a licensed physician for medical purposes of a patient, and when payment for the equipment or supplies is made, in part or in whole, on behalf of or for the benefit of an insured as a covered benefit under an insurance policy, contract or plan. As used in this paragraph (dd), "durable medical equipment" means equipment, including repair and replacement parts for the equipment, which:

(i) Can withstand repeated use;

(ii) Is primarily and customarily used to serve a medical purpose;

(iii) Generally is not useful to a person in the absence of illness or injury; and

(iv) Is not worn in or on the body.

(ee) Sales of tangible personal property or services to Mississippi Blood Services.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2302

Description: Rural Physicians Scholarship Program; remove limitation on number of students admitted each year.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 491

History of Actions:

- 1 01/21 (S) Referred To Public Health and Welfare;
Appropriations
- 2 01/30 (S) DR - TSDPCS: PH To AP
- 3 01/31 (S) Title Suff Do Pass Comm Sub
- 4 02/07 (S) Committee Substitute Adopted
- 5 02/07 (S) Passed {Vote}
- 6 02/08 (S) Transmitted To House
- 7 02/20 (H) Referred To Public Health and Human
Services; Appropriations
- 8 02/26 (H) DR - TSDP: PH To AP
- 9 02/28 (H) DR - TSDPAA: AP To PH
- 10 02/28 (H) Title Suff Do Pass As Amended
- 11 03/06 (H) Amended
- 12 03/06 (H) Passed As Amended {Vote}
- 13 03/07 (H) Returned For Concurrence
- 14 03/28 (S) Concurred in Amend From House {Vote}
- 15 03/29 (S) Enrolled Bill Signed
- 16 03/30 (H) Enrolled Bill Signed
- 17 04/16 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for Senate Bill No. 2302

Code Section: A 037-0144-0007

----- Additional Information -----

Senate Committee: Public Health and Welfare, Appropriations

House Committee: Public Health and Human Services, Appropriations

Principal Author: Kirby

Additional Authors: Blount, Browning, Burton, Butler (38th), Carmichael, Chassaniol, Clarke, Collins, Doty, Fillingane, Gandy, Hopson, Horhn, Jackson (11th), Jackson (32nd), Jolly, Jones, Jordan, Lee, Montgomery, Moran, Parker, Parks, Simmons (12th), Simmons (13th), Sojourner, Stone, Tindell, Tollison, Ward, Watson, Wiggins, Wilemon

Title: AN ACT TO AMEND SECTION 37-144-7, MISSISSIPPI CODE OF 1972, TO REMOVE THE MAXIMUM LIMITATION ON THE NUMBER OF STUDENTS WHO MAY BE ADMITTED TO THE MISSISSIPPI RURAL PHYSICIANS SCHOLARSHIP PROGRAM EACH YEAR AND PROVIDE THAT NOT LESS THAN A CERTAIN NUMBER OF STUDENTS WILL BE ADMITTED TO THE PROGRAM EACH YEAR; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Welfare; Appropriations
By: Senator(s) Kirby, Blount, Browning, Burton, Butler
(38th), Carmichael, Chassaniol, Clarke, Collins, Doty,
Fillingane, Gandy, Hopson, Horhn, Jackson (11th), Jackson
(32nd), Jolly, Jones, Jordan, Lee, Montgomery, Moran,
Parker, Parks, Simmons (12th), Simmons (13th), Sojourner,
Stone, Tindell, Tollison, Ward, Watson, Wiggins, Wilemon

Senate Bill 2302

(As Sent to Governor)

AN ACT TO AMEND SECTION 37-144-7, MISSISSIPPI CODE OF 1972, TO REMOVE THE MAXIMUM LIMITATION ON THE NUMBER OF STUDENTS WHO MAY BE ADMITTED TO THE MISSISSIPPI RURAL PHYSICIANS SCHOLARSHIP PROGRAM EACH YEAR AND PROVIDE THAT NOT LESS THAN A CERTAIN NUMBER OF STUDENTS WILL BE ADMITTED TO THE PROGRAM EACH YEAR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-144-7, Mississippi Code of 1972, is amended as follows:

37-144-7. (1) The commission shall develop and implement policies and procedures designed to recruit, identify and enroll undergraduate students who demonstrate necessary interest, commitment, aptitude and academic achievement to pursue careers as family physicians or other generalist physicians in rural or medically underserved areas of Mississippi, and to develop and implement the programs designed to foster successful entry of participants into medical school, completion of medical school, enrollment into and completion of family medicine or other generalist residency, and establishment and maintenance of a career in family medicine or other generalist specialty in a rural or underserved area of Mississippi.

(2) The commission shall have the authority through use of generally applicable definitions, to designate an area of the state as underserved or rural.

(3) The commission, in conjunction with the University of Mississippi Medical Center, shall have the authority to provide students selected for scholarship funding with faculty mentors and other programs designed to enhance the students'

likelihood of admission to the medical school. The commission and the University of Mississippi Medical Center will develop coursework that will provide scholarship students with the skills necessary for sustained and successful medical practice in rural Mississippi.

(4) Each applicant for admission to the program must submit an application to the commission that conforms to requirements established by the commission.

(5) In selecting participants for the program, the board may only accept an applicant if his or her academic record and other characteristics, if given consideration by the University of Mississippi School of Medicine Admissions Committee, would be considered credible and competitive.

(6) An applicant for the program may be admitted only upon a majority vote of the members of the commission.

(7) * * * Not less than fifteen (15) students will be admitted to the Mississippi Rural Physicians Scholarship Program each year, * * * provided that there are fifteen (15) or more qualified applicants for the program.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2322

Description: Public Service Commission; may not regulate management or internal affairs of certain water associations.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 526

History of Actions:

- | | | |
|-------------------------------------|-------|---|
| 1 | 01/21 | (S) Referred To Accountability, Efficiency, |
| Transparency | | |
| 2 | 02/04 | (S) Title Suff Do Pass Comm Sub |
| 3 | 02/06 | (S) Committee Substitute Adopted |
| 4 | 02/06 | (S) Passed {Vote} |
| 5 | 02/06 | (S) Motion to Reconsider Entered |
| 6 | 02/12 | (S) Motion to Reconsider Tabled |
| 7 | 02/12 | (S) Transmitted To House |
| 8 | 02/20 | (H) Referred To Public Utilities; S.C. |
| Accountblty/Efficiency/Transparency | | |
| 9 | 02/27 | (H) DR - TSDP: PU To AC |
| 10 | 03/04 | (H) DR - TSDPAA: AC To PU |
| 11 | 03/05 | (H) DR - TSDPAA: PU To AC |
| 12 | 03/05 | (H) DR - TSDPAA: AC To PU |
| 13 | 03/05 | (H) Title Suff Do Pass As Amended |
| 14 | 03/12 | (H) Amended |
| 15 | 03/12 | (H) Passed As Amended {Vote} |
| 16 | 03/15 | (H) Returned For Concurrence |
| 17 | 03/19 | (S) Decline to Concur/Invite Conf |
| 18 | 03/25 | (S) Conferees Named Collins, Brown, Polk |
| 19 | 03/26 | (H) Conferees Named Beckett, Bounds, Turner |
| 20 | 04/01 | (S) Conference Report Filed |
| 21 | 04/01 | (H) Conference Report Filed |
| 22 | 04/02 | (H) Recommitted For Further Conf |

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23	04/02	(S)	Recommitted For Further Conf
24	04/02	(S)	Conference Report Filed
25	04/02	(H)	Conference Report Filed
26	04/03	(H)	Conference Report Adopted {Vote}
27	04/03	(S)	Conference Report Adopted {Vote}
28	04/08	(S)	Enrolled Bill Signed
29	04/08	(H)	Enrolled Bill Signed
30	04/24		Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for Senate Bill No. 2322

Conference Reports:

| Conference Report

| Conference Report # 2

Code Section: A 077-0003-0005

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency

House Committee: Public Utilities, S.C. Accountblty/Efficiency/Transparency

Principal Author: Lee

Title: AN ACT TO AMEND SECTION 77-3-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2231, 2013 REGULAR SESSION, TO CLARIFY THAT THE PUBLIC SERVICE COMMISSION DOES NOT HAVE JURISDICTION OVER THE GOVERNANCE, MANAGEMENT OR OTHER INTERNAL AFFAIRS OF CERTAIN PUBLIC UTILITIES THAT PROVIDE WATER OR SEWER DISPOSAL SERVICE; TO PROVIDE THAT A MEMBER OF A MEMBER-OWNED RURAL WATER ASSOCIATION OR SYSTEM SHALL HAVE THE RIGHT TO ATTEND MEETINGS OF THE ASSOCIATION OR SYSTEM AND SHALL RECEIVE WRITTEN NOTICE OF ANY MEETING AT WHICH AN ELECTION OF BOARD MEMBERS WILL OCCUR; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Accountability, Efficiency, Transparency

By: Senator(s) Lee

Senate Bill 2322

(As Sent to Governor)

AN ACT TO AMEND SECTION 77-3-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2231, 2013 REGULAR SESSION, TO CLARIFY THAT THE PUBLIC SERVICE COMMISSION DOES NOT HAVE JURISDICTION OVER THE GOVERNANCE, MANAGEMENT OR OTHER INTERNAL AFFAIRS OF CERTAIN PUBLIC UTILITIES THAT PROVIDE WATER OR SEWER DISPOSAL SERVICE; TO PROVIDE THAT A MEMBER OF A MEMBER-OWNED RURAL WATER ASSOCIATION OR SYSTEM SHALL HAVE THE RIGHT TO ATTEND MEETINGS OF THE ASSOCIATION OR SYSTEM AND SHALL RECEIVE WRITTEN NOTICE OF ANY MEETING AT WHICH AN ELECTION OF BOARD MEMBERS WILL OCCUR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 77-3-5, Mississippi Code of 1972, as amended by Senate Bill No. 2231, 2013 Regular Session, is amended as follows:

77-3-5. Subject to the limitations imposed in this article and in accordance with the provisions hereof, the Public Service Commission shall have exclusive original jurisdiction over the intrastate business and property of public utilities. However, the commission shall not have jurisdiction over the production and gathering of natural gas or the sale of natural gas in or within the vicinity of the field where produced, or over the facilities and equipment utilized in any such operations, including, but not limited to, such facilities as separators, scrubbers and gasoline plants of all types. Further, the commission shall not have jurisdiction over the governance, management or other internal affairs of entities as described by paragraph (c) below. Moreover, the commission shall not have jurisdiction to regulate the rates for the sales and/or distribution:

(a) Of gas, water, electricity or sewage disposal services by municipalities to such persons as said municipalities are authorized by law to serve;

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(b) Of gas or electricity by cooperative gas or electric power associations to the members thereof as consumers, except as provided by * * * Section 77-3-17, where service is rendered in a municipality;

(c) Of water or sewage disposal service by nonprofit corporations or associations where the governing body of such corporation or association is elected by the consumers thereof or appointed by the county board of supervisors; or

(d) Of water by districts organized under the provisions of Chapter 45, Laws of 1966-1967, Extraordinary Session.

SECTION 2. In addition to the rights prescribed in Section 79-11-177, a member of a member-owned rural water association or system, incorporated under Chapter 11, Title 79, Mississippi Code of 1972, shall have the right to attend regularly scheduled board meetings of the association or system. Further, if a meeting pertains to the election of board members for the association or system, then the association or system shall provide written notice of the meeting by mail at least fifteen (15) days in advance of the meeting at which the election will occur. The written notice shall also be included on any association's or system's invoice or statement that is submitted to the member within thirty (30) days of the meeting.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2347

Description: Literacy-Based Promotion Act; establish in public schools to achieve grade-level reading by end of 3rd Grade.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 495

History of Actions:

- 1 01/21 (S) Referred To Education
- 2 01/31 (S) Title Suff Do Pass Comm Sub
- 3 02/07 (S) Committee Substitute Adopted
- 4 02/07 (S) Passed {Vote}
- 5 02/08 (S) Transmitted To House
- 6 02/20 (H) Referred To Education
- 7 02/27 (H) Title Suff Do Pass As Amended
- 8 03/05 (H) Read the Third Time
- 9 03/07 (H) Amended
- 10 03/07 (H) Passed As Amended {Vote}
- 11 03/11 (H) Returned For Concurrence
- 12 03/20 (S) Decline to Concur/Invite Conf
- 13 03/25 (S) Conferees Named Tollison, Burton, Hill
- 14 03/27 (H) Conferees Named Moore, Martinson, Currie
- 15 04/01 (S) Conference Report Filed
- 16 04/01 (H) Conference Report Filed
- 17 04/02 (H) Conference Report Adopted {Vote}
- 18 04/03 (S) Conference Report Adopted {Vote}
- 19 04/08 (S) Enrolled Bill Signed
- 20 04/08 (H) Enrolled Bill Signed
- 21 04/18 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for Senate Bill No. 2347

Conference Reports:
| Conference Report

Code Section: A 037-0013-0091

----- **Additional Information** -----

Senate Committee: Education

House Committee: Education

Principal Author: Hill

Additional Authors: Gandy, Hopson, Smith, McDaniel, Tindell, Polk, Parker, Collins, Tollison, Watson

Title: AN ACT TO ESTABLISH THE "LITERACY-BASED PROMOTION ACT" TO IMPROVE KINDERGARTEN AND FIRST THROUGH THIRD GRADE PUBLIC SCHOOL STUDENTS' READING SKILLS SO THAT EVERY STUDENT COMPLETING THIRD GRADE READS AT OR ABOVE GRADE LEVEL; TO REQUIRE SCHOOL DISTRICTS TO PROVIDE INTENSIVE READING INSTRUCTION AND INTERVENTION TO STUDENTS EXHIBITING A SUBSTANTIAL DEFICIENCY IN READING IN KINDERGARTEN AND GRADES 1 THROUGH 3; TO PROHIBIT THE PROMOTION OF STUDENTS WHOSE READING DEFICIENCY IS NOT REMEDIED BEFORE THE END OF THIRD GRADE; TO REQUIRE NOTICE TO BE GIVEN TO PARENTS OF KINDERGARTEN AND FIRST THROUGH THIRD GRADE STUDENTS EXHIBITING A READING DEFICIENCY; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ESTABLISH THE MISSISSIPPI READING PANEL TO COLLABORATE WITH THE DEPARTMENT ON ADOPTION OF APPROPRIATE ALTERNATIVE STANDARDIZED ASSESSMENTS AND APPROPRIATE SCREENING ASSESSMENTS; TO PROHIBIT THE PROMOTION OF PUBLIC SCHOOL STUDENTS BASED SOLELY ON A STUDENT'S AGE OR OTHER SOCIAL PROMOTION FACTORS; TO ESTABLISH GOOD CAUSE EXEMPTIONS FOR PROMOTION FOR THIRD GRADE STUDENTS FAILING TO MEET ACADEMIC REQUIREMENTS FOR PROMOTION; TO SPECIFY CERTAIN ACTIONS SCHOOL DISTRICTS MUST TAKE IN IMPLEMENTING THE LITERACY-BASED PROMOTION ACT IN KINDERGARTEN AND GRADES 1 THROUGH 3; TO REQUIRE SCHOOL BOARDS TO SUBMIT ANNUAL REPORTS TO PARENTS ON THEIR RESPECTIVE STUDENT'S PROGRESS IN READING; TO REQUIRE SCHOOL BOARDS TO PUBLISH DATA REFLECTING STUDENT PROGRESSION AND PERFORMANCE IN A LOCAL NEWSPAPER; TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES NECESSARY FOR THE IMPLEMENTATION OF THE PROGRAM; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 74, 2013 REGULAR SESSION, TO PROVIDE THAT CHILDREN AGE 5 ON OR BEFORE SEPTEMBER 1 OF THE CALENDAR YEAR WHO HAVE ENROLLED IN PUBLIC KINDERGARTEN ARE SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2347

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education

By: Senator(s) Hill, Gandy, Hopson, Smith, McDaniel,
Tindell, Polk, - Parker, Collins, Tollison, Watson

Senate Bill 2347

(As Sent to Governor)

AN ACT TO ESTABLISH THE "LITERACY-BASED PROMOTION ACT" TO IMPROVE KINDERGARTEN AND FIRST THROUGH THIRD GRADE PUBLIC SCHOOL STUDENTS' READING SKILLS SO THAT EVERY STUDENT COMPLETING THIRD GRADE READS AT OR ABOVE GRADE LEVEL; TO REQUIRE SCHOOL DISTRICTS TO PROVIDE INTENSIVE READING INSTRUCTION AND INTERVENTION TO STUDENTS EXHIBITING A SUBSTANTIAL DEFICIENCY IN READING IN KINDERGARTEN AND GRADES 1 THROUGH 3; TO PROHIBIT THE PROMOTION OF STUDENTS WHOSE READING DEFICIENCY IS NOT REMEDIED BEFORE THE END OF THIRD GRADE; TO REQUIRE NOTICE TO BE GIVEN TO PARENTS OF KINDERGARTEN AND FIRST THROUGH THIRD GRADE STUDENTS EXHIBITING A READING DEFICIENCY; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ESTABLISH THE MISSISSIPPI READING PANEL TO COLLABORATE WITH THE DEPARTMENT ON ADOPTION OF APPROPRIATE ALTERNATIVE STANDARDIZED ASSESSMENTS AND APPROPRIATE SCREENING ASSESSMENTS; TO PROHIBIT THE PROMOTION OF PUBLIC SCHOOL STUDENTS BASED SOLELY ON A STUDENT'S AGE OR OTHER SOCIAL PROMOTION FACTORS; TO ESTABLISH GOOD CAUSE EXEMPTIONS FOR PROMOTION FOR THIRD GRADE STUDENTS FAILING TO MEET ACADEMIC REQUIREMENTS FOR PROMOTION; TO SPECIFY CERTAIN ACTIONS SCHOOL DISTRICTS MUST TAKE IN IMPLEMENTING THE LITERACY-BASED PROMOTION ACT IN KINDERGARTEN AND GRADES 1 THROUGH 3; TO REQUIRE SCHOOL BOARDS TO SUBMIT ANNUAL REPORTS TO PARENTS ON THEIR RESPECTIVE STUDENT'S PROGRESS IN READING; TO REQUIRE SCHOOL BOARDS TO PUBLISH DATA REFLECTING STUDENT PROGRESSION AND PERFORMANCE IN A LOCAL NEWSPAPER; TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES NECESSARY FOR THE IMPLEMENTATION OF THE PROGRAM; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 74, 2013 REGULAR SESSION, TO PROVIDE THAT CHILDREN AGE 5 ON OR BEFORE SEPTEMBER 1 OF THE CALENDAR YEAR WHO HAVE ENROLLED IN PUBLIC KINDERGARTEN ARE SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is established an act prohibiting social promotion to be known as the "Literacy-Based Promotion Act," the purpose of which is to improve the reading skills of Kindergarten and First through Third Grade students enrolled in the public schools so that every student completing the Third Grade is able to read at or above grade level. It is the intent of the Legislature, in establishing this act, to ensure that: each Kindergarten and First through Third Grade student's progression is determined, in part, upon the student's proficiency in reading; the policies of local school boards facilitate this proficiency; and each student and the student's parent or legal guardian is informed of the student's academic progress.

(2) Each public school student who exhibits a substantial deficiency in reading at any time, as demonstrated through performance on a reading screener approved or developed by the State Department of Education or through locally determined assessments and teacher observations conducted in Kindergarten and Grades 1 through 3 or through statewide end-of-year assessments or approved alternate yearly assessments in Grade 3, must be given intensive reading instruction and intervention immediately following the identification of the reading deficiency.

(3) The universal reading screener or locally determined reading assessment may be given in the first thirty (30) days of the school year and repeated if indicated at midyear and at the end of the school year to determine student progression in reading in Kindergarten through Third Grade. If it is determined that the student continues to have a reading deficiency, the student must be provided with continued intensive reading instruction and intervention by the school district until the reading deficiency is remedied. A student exhibiting continued reading deficiency with continued intensive interventions should be considered for exceptional criteria evaluation.

(4) A Kindergarten or First, Second or Third Grade student identified with a deficiency in reading must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. The intensive intervention must include effective instructional strategies, and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level,

and ready for promotion to the next grade. A Kindergarten, First, Second or Third Grade student identified with a reading deficiency or not promoted may be placed in a transition class.

SECTION 2. Immediately upon the determination of a reading deficiency, and subsequently with each quarterly progress report until the deficiency is remediated, the parent or legal guardian of a Kindergarten or First, Second or Third Grade student who exhibits a substantial deficiency in reading must be notified in writing by the student's teacher of the following:

(a) That the student has been identified as having a substantial deficiency in reading;

(b) A description of the services that the school district currently is providing to the student;

(c) A description of the proposed supplemental instructional services and supports that are designed to remediate the identified area of reading deficiency which the school district plans to provide the student;

(d) That if the student's reading deficiency is not remediated before the end of the student's Third Grade year, the student will not be promoted to Fourth Grade unless a good cause exemption specified under Section 6 of this act is met;

(e) Strategies for parents and guardians to use in helping the student to succeed in reading proficiency; and

(f) That while the state annual accountability assessment for reading in Third Grade is the initial determinant, it is not the sole determiner of promotion and that approved alternative standardized assessments are available to assist the school district in knowing when a child is reading at or above grade level and ready for promotion to the next grade.

SECTION 3. The State Department of Education shall establish a Mississippi Reading Panel to collaborate with the State Department of Education in recommending appropriate equitable alternative standardized assessments and cut scores to be used to determine promotion to the Fourth Grade of those Third Grade students who scored at the lowest achievement level on the state annual accountability assessment or who, for unforeseen circumstances, were unable to take the assessment. The panel should have knowledge and input in the adoption or development of a universal screener for required use only in select schools most in need for the leading intervention

program to identify reading deficiencies and determine progress. A suggestive list of no less than four (4) screening assessments should be available to schools not selected for the critical leading intervention program taking into consideration those screening assessments already being used satisfactorily in Mississippi elementary schools. An approved alternative standardized reading assessment may be used in 2014-2015 in the transition to common core standardization of testing. The panel shall consist of six (6) members as follows: the State Superintendent of Education, or his/her designee, who will chair the committee; the Chair of the House Education Committee, or his designee; the Chairman of the Senate Education Committee, or his designee; one (1) member appointed by the Governor; and two (2) additional members appointed by the State Superintendent of Education.

SECTION 4. The State Department of Education shall:

(a) Select schools most in need for the leading intervention program and create criteria for selection for participation based on number and percentages of students scoring in the lowest two (2) achievement levels on state-adopted yearly reading assessments, screening results, and other relevant data; and

(b) Assign a supervisory position within each school to be responsible for the faithful implementation of the Reading Intervention Program.

SECTION 5. A public school student may not be assigned a grade level based solely on the student's age or any other factors that constitute social promotion.

Beginning in the 2014-2015 school year, if a student's reading deficiency is not remedied by the end of the student's Third Grade year, as demonstrated by the student scoring at the lowest achievement level in reading on the state annual accountability assessment or on an approved alternative standardized assessment for Third Grade, the student shall not be promoted to Fourth Grade.

SECTION 6. (1) A Third Grade student who does not meet the academic requirements for promotion to the Fourth Grade may be promoted by the school district only for good cause. Good cause exemptions for promotion are limited to the following students:

(a) Limited English proficient students who have had less than two (2) years of instruction in an English Language Learner program;

(b) Students with disabilities whose individual education plan (IEP) indicates that participation in the statewide accountability assessment program is not appropriate, as authorized under state law;

(c) Students with a disability who participate in the state annual accountability assessment and who have an IEP or a Section 504 plan that reflects that the individual student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading and previously was retained in Kindergarten or First, Second or Third Grade;

(d) Students who demonstrate an acceptable level of reading proficiency on an alternative standardized assessment approved by the State Board of Education; and

(e) Students who have received intensive intervention in reading for two (2) or more years but still demonstrate a deficiency in reading and who previously were retained in Kindergarten or First, Second or Third Grade for a total of two (2) years and have not met exceptional education criteria. A student who is promoted to Fourth Grade with a good cause exemption shall be provided intensive reading instruction and intervention informed by specialized diagnostic information and delivered through specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers in implementing reading strategies that research has shown to be successful in improving reading among students with persistent reading difficulties.

(2) A request for good cause exemptions for a Third Grade student from the academic requirements established for promotion to Fourth Grade must be made consistent with the following:

(a) Documentation must be submitted from the student's teacher to the school principal which indicates that the promotion of the student is appropriate and is based upon the student's record. The documentation must consist of the good cause exemption being requested and must clearly prove that the student is covered by one (1) of the good cause exemptions listed in Section 6(a) through (e) of this act.

(b) The principal shall review and discuss the recommendations with the teacher and parents and make a determination as to whether or not the student should be promoted based on requirements set forth in this act. If the principal determines that the student should be promoted, based on the documentation provided, the principal must make the recommendation in writing to the school district superintendent, who, in writing, may accept or reject the principal's recommendation. The parents of any student promoted may choose that the student be retained for one (1) year, even if the principal and district superintendent determines otherwise.

SECTION 7. Beginning in the 2014-2015 school year, each school district shall take the following actions for retained Third Grade students:

(a) Provide Third Grade students who are not promoted with intensive instructional services, progress monitoring measures, and supports to remediate the identified areas of reading deficiency, including a minimum of ninety (90) minutes during regular school hours of daily, scientifically research-based reading instruction that includes phonemic awareness, phonics, fluency, vocabulary and comprehension, and other strategies prescribed by the school district, which may include, but are not limited to:

- (i) Small group instruction;
- (ii) Reduced teacher - student ratios;
- (iii) Tutoring in scientifically research-based reading services in addition to the regular school day;
- (iv) The option of transition classes;
- (v) Extended school day, week or year; and
- (vi) Summer reading camps.

(b) Provide written notification to the parent or legal guardian of any Third Grade student who is retained that the student has not met the proficiency level required for promotion and the reasons the student is not eligible for a good cause exemption. The notification must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency. This notification must be provided to the parent or legal guardian in writing, in a format adopted by the State

Board of Education in addition to report cards given by the teacher.

(c) Provide Third Grade students who are retained with a high-performing teacher, as determined by student performance data, particularly related to student growth in reading, above-satisfactory performance appraisals, and/or specific training relevant to implementation of this act.

(d) Provide parents and legal guardians of Third Grade students with a "Read at Home" plan outlined in a parental contract, including participation in regular parent-guided home reading.

SECTION 8. Each district may provide, where applicable, an intensive acceleration class for any student retained in Grade 3 who was previously retained in Kindergarten or Grades 1 through 3. The focus of the intensive acceleration class should be to increase a student's reading level at least two (2) grade levels in one (1) school year. The intensive acceleration class should provide reading instruction and intervention for the majority of student contact each day and incorporate opportunities to master the Grade 4 state standards in other core academic areas.

SECTION 9. (1) Within thirty (30) days of final State Board of Education approval of state accountability results, the school board of each school district must publish, in a newspaper having a general circulation within the school district, and report to the State Board of Education and the Mississippi Reading Panel the following information relating to the preceding school year:

(a) The provisions of this act relating to public school student progression and the school district's policies and procedures on student retention and promotion;

(b) By grade, the number and percentage of all students performing at each level of competency on the reading and math portion of the annual state accountability system and the number and percentage of students given an approved alternative standardized reading assessment and the percentage of these students performing at each competency level on said alternative standardized assessment;

(c) By grade, the number and percentage of all students retained in Kindergarten through Grade 8;

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(d) Information on the total number and percentage of students who were promoted for good cause, by each category of good cause described in Section 6 of this act; and

(e) Any revisions to the school board's policy on student retention and promotion from the prior school year.

(2) The State Department of Education shall establish a uniform format for school districts to report the information required in subsection (1) of this section. The format must be developed with input from school boards and must be provided no later than ninety (90) days before the annual due date of the information. The department shall compile annually the required district information, along with state-level summary information, and report the information to the Governor, Senate, House of Representatives and general public.

SECTION 10. (1) The State Board of Education shall adopt such policies, rules and regulations as may be necessary for the implementation of this act.

(2) The State Department of Education shall provide such technical assistance and training of teachers/administrators as may be needed to aid local school districts in administering the provisions of this act.

(3) Each local school district must include provisions required by this act as an addition to the district's published handbook of policy for employees and students beginning in school year 2013-2014.

SECTION 11. The provisions of Sections 1 through 10 of this act which include components necessary to provide for teacher training, instructional materials, remedial education training and administration of an intensive literacy curriculum shall be subject to legislative appropriation.

SECTION 12. Section 37-13-91, Mississippi Code of 1972, as amended by House Bill No. 74, 2013 Regular Session, is amended as follows:

37-13-91. (1) This section shall be referred to as the "Mississippi Compulsory School Attendance Law."

(2) The following terms as used in this section are defined as follows:

(a) "Parent" means the father or mother to whom a child has been born, or the father or mother by whom a child has been legally adopted.

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(b) "Guardian" means a guardian of the person of a child, other than a parent, who is legally appointed by a court of competent jurisdiction.

(c) "Custodian" means any person having the present care or custody of a child, other than a parent or guardian of the child.

(d) "School day" means not less than five (5) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.

(e) "School" means any public school in this state or any nonpublic school in this state which is in session each school year for at least one hundred eighty (180) school days, except that the "nonpublic" school term shall be the number of days that each school shall require for promotion from grade to grade.

(f) "Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program.* * *

(g) "School attendance officer" means a person employed by the State Department of Education pursuant to Section 37-13-89.

(h) "Appropriate school official" means the superintendent of the school district, or his designee, or, in the case of a nonpublic school, the principal or the headmaster.

(i) "Nonpublic school" means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial and home instruction programs.

(3) A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the

period of time that the child is of compulsory school age, except under the following circumstances:

(a) When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.

(b) When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children.

(c) When a compulsory-school-age child is being educated in a legitimate home instruction program.

The parent, guardian or custodian of a compulsory-school-age child described in this subsection, or the parent, guardian or custodian of a compulsory-school-age child attending any nonpublic school, or the appropriate school official for any or all children attending a nonpublic school shall complete a "certificate of enrollment" in order to facilitate the administration of this section.

The form of the certificate of enrollment shall be prepared by the Office of Compulsory School Attendance Enforcement of the State Department of Education and shall be designed to obtain the following information only:

(i) The name, address, telephone number and date of birth of the compulsory-school-age child;

(ii) The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;

(iii) A simple description of the type of education the compulsory-school-age child is receiving and, if the child is enrolled in a nonpublic school, the name and address of the school; and

(iv) The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all compulsory-school-age child or children attending a nonpublic school, the signature of the appropriate school official and the date signed.

The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian

found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section. However, in the event the child has been enrolled in a public school within fifteen (15) calendar days after the first day of the school year as required in subsection (6), the parent or custodian may, at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the certificate of enrollment to the school attendance officer and be in compliance with this subsection.

For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

(4) An "unlawful absence" is an absence during a school day by a compulsory-school-age child, which absence is not due to a valid excuse for temporary nonattendance. Days missed from school due to disciplinary suspension shall not be considered an "excused" absence under this section. This subsection shall not apply to children enrolled in a nonpublic school.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

(a) An absence is excused when the absence results from the compulsory-school-age child's attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may include field trips, athletic contests, student conventions, musical festivals and any similar activity.

(b) An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

(c) An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

(d) An absence is excused when it results from the death or serious illness of a member of the immediate family of a

compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

(f) An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

(g) An absence may be excused if the religion to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

(h) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

(i) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

(j) An absence is excused when it results from the attendance of a compulsory-school-age child participating in official organized events sponsored by the 4-H or Future Farmers of America (FFA). The excuse for the 4-H or FFA event must be provided in writing to the appropriate school superintendent by the Extension Agent or High School Agricultural Instructor/FFA Advisor.

(k) An absence is excused when it results from the compulsory-school-age child officially being employed to serve as a page at the State Capitol for the Mississippi House of Representatives or Senate.

(5) Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished in accordance with Section 97-5-39.

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent or his designee shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent, or his designee, also

shall report any student suspensions or student expulsions to the school attendance officer when they occur.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

(8) The State Board of Education shall adopt rules and regulations for the purpose of reprimanding any school superintendents who fail to timely report unexcused absences under the provisions of this section.

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect

the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.

SECTION 13. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2377

Description: Murder; distinguish between first- and second-degree of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 555

History of Actions:

- | | | | |
|----|-------|-----|--|
| 1 | 01/21 | (S) | Referred To Judiciary, Division A |
| 2 | 02/05 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/14 | (S) | Committee Substitute Adopted |
| 4 | 02/14 | (S) | Amended |
| 5 | 02/14 | (S) | Passed As Amended {Vote} |
| 6 | 02/14 | (S) | Motion to Reconsider Entered |
| 7 | 02/15 | (S) | Reconsidered |
| 8 | 02/15 | (S) | Amended |
| 9 | 02/15 | (S) | Passed As Amended {Vote} |
| 10 | 02/19 | (S) | Transmitted To House |
| 11 | 02/21 | (H) | Referred To Judiciary A |
| 12 | 02/28 | (H) | Title Suff Do Pass As Amended |
| 13 | 03/05 | (H) | Amended |
| 14 | 03/05 | (H) | Passed As Amended {Vote} |
| 15 | 03/06 | (H) | Motion to Reconsider Entered (Shirley,
Baker, Reynolds) |
| 16 | 03/07 | (H) | Reconsidered |
| 17 | 03/07 | (H) | Amended |
| 18 | 03/07 | (H) | Passed As Amended {Vote} |
| 19 | 03/08 | (H) | Returned For Concurrence |
| 20 | 03/26 | (S) | Decline to Concur/Invite Conf |
| 21 | 03/27 | (S) | Conferees Named Hopson, Simmons
(12th), Tindell |
| 22 | 03/29 | (H) | Conferees Named Baker, Reynolds, Lamar |
| 23 | 03/31 | (S) | Conference Report Filed |

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24 03/31 (H) Conference Report Filed
25 04/01 (H) Conference Report Adopted {Vote}
26 04/01 (H) Motion to Reconsider Entered (Shirley,
Baker, Reynolds)
27 04/03 (H) Motion to Reconsider Tabled
28 04/03 (S) Conference Report Adopted {Vote}
29 04/08 (S) Enrolled Bill Signed
30 04/08 (H) Enrolled Bill Signed
31 04/25 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted* Voice Vote
[S] Amendment No 2 (Cmte Sub) *Adopted* Voice Vote
[H] Committee Amendment No 1 *Adopted* Voice Vote
[H] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote
[H] Amendment No 2 to Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for Senate Bill No. 2377

Conference Reports:

| Conference Report

Code Section: A 097-0003-0019, A 097-0003-0021

----- Additional Information -----

Senate Committee: Judiciary, Division A

House Committee: Judiciary A

Principal Author: Wiggins

Additional Authors: Massey, Polk, Tollison, Longwitz, Watson

Title: AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO CREATE A DISTINCTION IN THE SERIOUSNESS OF MURDER TO BE DENOMINATED AS FIRST- AND SECOND-DEGREE MURDER; TO AMEND SECTION 97-3-21, MISSISSIPPI CODE OF 1972, TO REVISE THE PUNISHMENT FOR MURDER TO CONFORM; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2377

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division A

By: Senator(s) Wiggins, Massey, Polk, Tollison, Longwitz,
Watson

Senate Bill 2377

(As Sent to Governor)

AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO CREATE A DISTINCTION IN THE SERIOUSNESS OF MURDER TO BE DENOMINATED AS FIRST- AND SECOND-DEGREE MURDER; TO AMEND SECTION 97-3-21, MISSISSIPPI CODE OF 1972, TO REVISE THE PUNISHMENT FOR MURDER TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-3-19, Mississippi Code of 1972, is amended as follows:

97-3-19. (1) The killing of a human being without the authority of law by any means or in any manner shall be murder in the following cases:

(a) When done with deliberate design to effect the death of the person killed, or of any human being, shall be first-degree murder;

(b) When done in the commission of an act eminently dangerous to others and evincing a depraved heart, regardless of human life, although without any premeditated design to effect the death of any particular individual, shall be second-degree murder;

(c) When done without any design to effect death by any person engaged in the commission of any felony other than rape, kidnapping, burglary, arson, robbery, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or felonious abuse and/or battery of a child in violation of subsection (2) of Section 97-5-39, or in any attempt to commit such felonies, shall be first-degree murder;

(d) When done with deliberate design to effect the death of an unborn child, shall be first-degree murder.

2013 GENERAL LAWS OF MISSISSIPPI SB 2377

(2) The killing of a human being without the authority of law by any means or in any manner shall be capital murder in the following cases:

(a) Murder which is perpetrated by killing a peace officer or fireman while such officer or fireman is acting in his official capacity or by reason of an act performed in his official capacity, and with knowledge that the victim was a peace officer or fireman. For purposes of this paragraph, the term "peace officer" means any state or federal law enforcement officer, including, but not limited to, a federal park ranger, the sheriff of or police officer of a city or town, a conservation officer, a parole officer, a judge, senior status judge, special judge, district attorney, legal assistant to a district attorney, county prosecuting attorney or any other court official, an agent of the Alcoholic Beverage Control Division of the* * * Department of Revenue, an agent of the Bureau of Narcotics, personnel of the Mississippi Highway Patrol, and the employees of the Department of Corrections who are designated as peace officers by the Commissioner of Corrections pursuant to Section 47-5-54, and the superintendent and his deputies, guards, officers and other employees of the Mississippi State Penitentiary;

(b) Murder which is perpetrated by a person who is under sentence of life imprisonment;

(c) Murder which is perpetrated by use or detonation of a bomb or explosive device;

(d) Murder which is perpetrated by any person who has been offered or has received anything of value for committing the murder, and all parties to such a murder, are guilty as principals;

(e) When done with or without any design to effect death, by any person engaged in the commission of the crime of rape, burglary, kidnapping, arson, robbery, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or in any attempt to commit such felonies;

(f) When done with or without any design to effect death, by any person engaged in the commission of the crime of felonious abuse and/or battery of a child in violation of subsection (2) of Section 97-5-39, or in any attempt to commit such felony;

2013 GENERAL LAWS OF MISSISSIPPI SB 2377

(g) Murder which is perpetrated on educational property as defined in Section 97-37-17;

(h) Murder which is perpetrated by the killing of any elected official of a county, municipal, state or federal government with knowledge that the victim was such public official.

(3) An indictment for murder or capital murder shall serve as notice to the defendant that the indictment may include any and all lesser included offenses thereof, including, but not limited to, manslaughter.

SECTION 2. Section 97-3-21, Mississippi Code of 1972, is amended as follows:

97-3-21. (1) Every person who shall be convicted of first-degree murder shall be sentenced by the court to imprisonment for life in the* * * custody of the Department of Corrections.

(2) Every person who shall be convicted of second-degree murder shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict after a separate sentencing proceeding. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than twenty (20) nor more than forty (40) years in the custody of the Department of Corrections.

(3) Every person who shall be convicted of capital murder shall be sentenced (a) to death; (b) to imprisonment for life in the State Penitentiary without parole; or (c) to imprisonment for life in the State Penitentiary with eligibility for parole as provided in Section 47-7-3(1)(f).

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2383

Description: Driver's license suspension; revise course requirements for alternative sentencing of minor offenders.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: Passage

Chapter Number: 529

History of Actions:

- 1 01/21 (S) Referred To Judiciary, Division B
- 2 02/05 (S) Title Suff Do Pass
- 3 02/13 (S) Passed {Vote}
- 4 02/14 (S) Motion to Reconsider Entered
- 5 02/15 (S) Motion to Reconsider Tabled
- 6 02/15 (S) Transmitted To House
- 7 02/21 (H) Referred To Judiciary B
- 8 03/04 (H) Title Suff Do Pass As Amended
- 9 03/05 (H) Read the Third Time
- 10 03/13 (H) Amended
- 11 03/13 (H) Passed As Amended {Vote}
- 12 03/13 (H) Motion to Reconsider Entered (Howell,
Gipson, Buck (72nd))
- 13 03/14 (H) Reconsidered
- 14 03/14 (H) Amended
- 15 03/14 (H) Passed As Amended {Vote}
- 16 03/14 (H) Motion to Reconsider Entered (Monsour,
Gipson, Buck (72nd))
- 17 03/15 (H) Motion to Reconsider Tabled
- 18 03/18 (H) Returned For Concurrence
- 19 03/19 (S) Decline to Concur/Invite Conf
- 20 03/29 (S) Conferees Named Bryan, Lee, Doty
- 21 03/30 (H) Conferees Named Gipson, Monsour, Wooten
- 22 04/01 (S) Conference Report Filed

2013 GENERAL LAWS OF MISSISSIPPI SB 2383

23 04/01 (H) Conference Report Filed
24 04/02 (H) Conference Report Adopted {Vote}
25 04/03 (S) Conference Report Adopted {Vote}
26 04/05 (S) Enrolled Bill Signed
27 04/08 (H) Enrolled Bill Signed
28 04/24 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2383

Conference Reports:

Conference Report

----- Additional Information -----

Senate Committee: Judiciary, Division B

House Committee: Judiciary B

Principal Author: Lee

Title: AN ACT TO CREATE THE TRAFFIC SAFETY SCHOOL STUDY COMMITTEE; TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE; TO PROVIDE FOR THE ELECTION OF A CHAIRMAN; TO PROVIDE FOR A QUORUM; TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE STUDY COMMITTEE; TO PROVIDE ASSISTANCE FOR THE STUDY COMMITTEE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2383

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division B

By: Senator(s) Lee

Senate Bill 2383

(As Sent to Governor)

AN ACT TO CREATE THE TRAFFIC SAFETY SCHOOL STUDY COMMITTEE; TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE; TO PROVIDE FOR THE ELECTION OF A CHAIRMAN; TO PROVIDE FOR A QUORUM; TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE STUDY COMMITTEE; TO PROVIDE ASSISTANCE FOR THE STUDY COMMITTEE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is established the Traffic Safety School Study Committee, which will be comprised of the following members:

(a) A representative of the Mississippi Traffic Safety Institute;

(b) A representative of Internet driving schools;

(c) The President of the Justice Court Judges Association;

(d) A municipal court judge appointed by the Governor;

(e) A member of the Mississippi House of Representatives appointed by the Speaker;

(f) A member of the Mississippi State Senate appointed by the Lieutenant Governor;

(g) A physician from the University of Mississippi Medical Center Batson Children's Hospital;

(h) The Commissioner of the Department of Public Safety or his designee;

(i) The President of the Mississippi Association of Chiefs of Police or his designee;

(j) The President of the Mississippi Sheriff's Association or his designee; and

(k) The President of the Mississippi Prosecutors Association or his designee.

2013 GENERAL LAWS OF MISSISSIPPI SB 2383

(2) The members of the study committee shall serve at the pleasure of their respective appointing authorities. Six (6) members shall constitute a quorum for the transaction of business. The members shall elect a chairman and any other necessary officers whose duties shall be established by the study committee.

(3) The members of the study committee shall serve without compensation.

(4) The study committee shall meet not less than quarterly and the members shall be furnished written notice of the meetings at least ten (10) days before the date of the meeting. The first meeting of the study committee shall be called within sixty (60) days of the passage of this act.

(5) The study committee shall provide recommendations and advice regarding the following:

(a) The feasibility and effectiveness of requiring in-person classroom instruction for traffic violator courses;

(b) The feasibility and effectiveness of online instruction for traffic violator courses;

(c) Instructional materials for classroom and online traffic violator courses; and

(d) Any other matters that would provide the most effective instruction for traffic violator courses.

(6) The Department of Public Safety shall provide support and recommendations to the study committee.

(7) The study committee shall develop a report with legislative recommendations and deliver the report to the Governor and to the Legislature no later than December 1, 2013.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2385

Description: False lien statements; create new crime of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 530

History of Actions:

- | | | | |
|----|-------|-----|--|
| 1 | 01/21 | (S) | Referred To Judiciary, Division B |
| 2 | 01/31 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/06 | (S) | Committee Substitute Adopted |
| 4 | 02/06 | (S) | Passed {Vote} |
| 5 | 02/07 | (S) | Transmitted To House |
| 6 | 02/21 | (H) | Referred To Judiciary B |
| 7 | 03/04 | (H) | Title Suff Do Pass As Amended |
| 8 | 03/05 | (H) | Read the Third Time |
| 9 | 03/13 | (H) | Amended |
| 10 | 03/13 | (H) | Passed As Amended {Vote} |
| 11 | 03/19 | (H) | Returned For Concurrence |
| 12 | 03/26 | (S) | Decline to Concur/Invite Conf |
| 13 | 03/29 | (S) | Conferees Named Bryan,McDaniel,Tindell |
| 14 | 03/30 | (H) | Conferees Named Gipson,Bell,DeBar |
| 15 | 04/01 | (S) | Conference Report Filed |
| 16 | 04/01 | (H) | Conference Report Filed |
| 17 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 18 | 04/03 | (S) | Conference Report Adopted {Vote} |
| 19 | 04/05 | (S) | Enrolled Bill Signed |
| 20 | 04/08 | (H) | Enrolled Bill Signed |
| 21 | 04/24 | | Approved by Governor |

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2385

Conference Reports:

Conference Report

----- Additional Information -----

Senate Committee: Judiciary, Division B

House Committee: Judiciary B

Principal Author: Stone

Title: AN ACT TO CREATE THE OFFENSE OF OFFERING A FALSE INSTRUMENT AGAINST A PUBLIC SERVANT; TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2385

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division B

By: Senator(s) Stone

Senate Bill 2385

(As Sent to Governor)

AN ACT TO CREATE THE OFFENSE OF OFFERING A FALSE INSTRUMENT AGAINST A PUBLIC SERVANT; TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) A person commits the crime of offering a false instrument for recording against a law enforcement officer, public official or public employee if the person offers, for recording, a lien or encumbrance that relates to or affects the real or personal property, or an interest therein, or a contractual relationship of a law enforcement officer, public official or public employee, knowing that the lien or encumbrance contains a materially false statement or materially false information, with the intent to defraud, intimidate, or harass the law enforcement officer, public official or public employee, or to impede the law enforcement officer, public official or public employee in the performance of his or her duties.

(2) Any person who violates this section, upon conviction, shall be punished as follows:

(a) For a first offense, by imprisonment for not more than six (6) months or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

(b) For a subsequent offense, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2388

Description: Youth court records; adult can obtain own.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 531

History of Actions:

1	01/21	(S) Referred To Judiciary, Division B
2	02/04	(S) Title Suff Do Pass
3	02/07	(S) Passed {Vote}
4	02/08	(S) Transmitted To House
5	02/21	(H) Referred To Judiciary A
6	02/28	(H) Title Suff Do Pass As Amended
7	03/05	(H) Amended
8	03/05	(H) Passed As Amended {Vote}
9	03/06	(H) Returned For Concurrence
10	03/26	(S) Decline to Concur/Invite Conf
11	03/29	(S) Conferees Named Bryan,Tindell,Hill
12	03/30	(H) Conferees Named Baker,Crawford,Denny
13	03/31	(S) Conference Report Filed
14	03/31	(H) Conference Report Filed
15	04/01	(H) Conference Report Adopted {Vote}
16	04/03	(S) Conference Report Adopted {Vote}
17	04/05	(S) Enrolled Bill Signed
18	04/08	(H) Enrolled Bill Signed
19	04/24	Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2388

Conference Reports:

| Conference Report

Code Section: A 043-0021-0261

----- Additional Information -----

Senate Committee: Judiciary, Division B

House Committee: Judiciary A

Principal Author: Tindell

Additional Authors: Hill, Wiggins, Smith

Title: AN ACT TO AMEND SECTION 43-21-261, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ADULT TO OBTAIN A COPY OF HIS OWN YOUTH COURT RECORD; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2388

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division B

By: Senator(s) Tindell, Hill, Wiggins, Smith

Senate Bill 2388

(As Sent to Governor)

AN ACT TO AMEND SECTION 43-21-261, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ADULT TO OBTAIN A COPY OF HIS OWN YOUTH COURT RECORD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-21-261, Mississippi Code of 1972, is amended as follows:

43-21-261. (1) Except as otherwise provided in this section, records involving children shall not be disclosed, other than to necessary staff of the youth court, except pursuant to an order of the youth court specifying the person or persons to whom the records may be disclosed, the extent of the records which may be disclosed and the purpose of the disclosure. Such court orders for disclosure shall be limited to those instances in which the youth court concludes, in its discretion, that disclosure is required for the best interests of the child, the public safety or the functioning of the youth court and then only to the following persons:

(a) The judge of another youth court or member of another youth court staff;

(b) The court of the parties in a child custody or adoption cause in another court;

(c) A judge of any other court or members of another court staff;

(d) Representatives of a public or private agency providing supervision or having custody of the child under order of the youth court;

(e) Any person engaged in a bona fide research purpose, provided that no information identifying the subject of the records shall be made available to the researcher unless it is absolutely essential to the research purpose and the judge gives prior written approval, and the child, through

his or her representative, gives permission to release the information;

(f) The Mississippi Department of Employment Security, or its duly authorized representatives, for the purpose of a child's enrollment into the Job Corps Training Program as authorized by Title IV of the Comprehensive Employment Training Act of 1973 (29 USCS Section 923 et seq.). However, no records, reports, investigations or information derived therefrom pertaining to child abuse or neglect shall be disclosed; * * *

(g) To any person pursuant to a finding by a judge of the youth court of compelling circumstances affecting the health * * *, safety or well-being of a child and that such disclosure is in the best interests of the child or an adult who was formerly the subject of a youth court delinquency proceeding.

Law enforcement agencies may disclose information to the public concerning the taking of a child into custody for the commission of a delinquent act without the necessity of an order from the youth court. The information released shall not identify the child or his address unless the information involves a child convicted as an adult.

(2) Any records involving children which are disclosed under an order of the youth court or pursuant to the terms of this section and the contents thereof shall be kept confidential by the person or agency to whom the record is disclosed unless otherwise provided in the order. Any further disclosure of any records involving children shall be made only under an order of the youth court as provided in this section.

(3) Upon request, the parent, guardian or custodian of the child who is the subject of a youth court cause or any attorney for such parent, guardian or custodian, shall have the right to inspect any record, report or investigation which is to be considered by the youth court at a hearing, except that the identity of the reporter shall not be released, nor the name of any other person where the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of such person.

(4) Upon request, the child who is the subject of a youth court cause shall have the right to have his counsel inspect and copy any record, report or investigation which is filed

with the youth court or which is to be considered by the youth court at a hearing.

(5) (a) The youth court prosecutor or prosecutors, the county attorney, the district attorney, the youth court defender or defenders, or any attorney representing a child shall have the right to inspect and copy any law enforcement record involving children.

(b) The Department of Human Services shall disclose to a county prosecuting attorney or district attorney any and all records resulting from an investigation into suspected child abuse or neglect when the case has been referred by the Department of Human Services to the county prosecuting attorney or district attorney for criminal prosecution.

(c) Agency records made confidential under the provisions of this section may be disclosed to a court of competent jurisdiction.

(d) Records involving children shall be disclosed to the Division of Victim Compensation of the Office of the Attorney General upon the division's request without order of the youth court for purposes of determination of eligibility for victim compensation benefits.

(6) Information concerning an investigation into a report of child abuse or child neglect may be disclosed by the Department of Human Services without order of the youth court to any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, public or private school employee making that report pursuant to Section 43-21-353(1) if the reporter has a continuing professional relationship with the child and a need for such information in order to protect or treat the child.

(7) Information concerning an investigation into a report of child abuse or child neglect may be disclosed without further order of the youth court to any interagency child abuse task force established in any county or municipality by order of the youth court of that county or municipality.

(8) Names and addresses of juveniles twice adjudicated as delinquent for an act which would be a felony if committed by an adult or for the unlawful possession of a firearm shall

not be held confidential and shall be made available to the public.

(9) Names and addresses of juveniles adjudicated as delinquent for murder, manslaughter, burglary, arson, armed robbery, aggravated assault, any sex offense as defined in Section 45-33-23, for any violation of Section 41-29-139(a) (1) or for any violation of Section 63-11-30, shall not be held confidential and shall be made available to the public.

(10) The judges of the circuit and county courts, and presentence investigators for the circuit courts, as provided in Section 47-7-9, shall have the right to inspect any youth court records of a person convicted of a crime for sentencing purposes only.

(11) The victim of an offense committed by a child who is the subject of a youth court cause shall have the right to be informed of the child's disposition by the youth court.

(12) A classification hearing officer of the State Department of Corrections, as provided in Section 47-5-103, shall have the right to inspect any youth court records, excluding abuse and neglect records, of any offender in the custody of the department who as a child or minor was a juvenile offender or was the subject of a youth court cause of action, and the State Parole Board, as provided in Section 47-7-17, shall have the right to inspect such records when the offender becomes eligible for parole.

(13) The youth court shall notify the Department of Public Safety of the name, and any other identifying information such department may require, of any child who is adjudicated delinquent as a result of a violation of the Uniform Controlled Substances Law.

(14) The Administrative Office of Courts shall have the right to inspect any youth court records in order that the number of youthful offenders, abused, neglected, truant and dependent children, as well as children in need of special care and children in need of supervision, may be tracked with specificity through the youth court and adult justice system, and to utilize tracking forms for such purpose.

(15) Upon a request by a youth court, the Administrative Office of Courts shall disclose all information at its disposal concerning any previous youth court intakes alleging that a child was a delinquent child, child in need of supervision,

child in need of special care, truant child, abused child or neglected child, as well as any previous youth court adjudications for the same and all dispositional information concerning a child who at the time of such request comes under the jurisdiction of the youth court making such request.

(16) The Administrative Office of Courts may, in its discretion, disclose to the Department of Public Safety any or all of the information involving children contained in the office's youth court data management system known as Mississippi Youth Court Information Delivery System or "MYCIDS."

(17) In every case where an abuse or neglect allegation has been made, the confidentiality provisions of this section shall not apply to prohibit access to a child's records by any state regulatory agency, any state or local prosecutorial agency or law enforcement agency; however, no identifying information concerning the child in question may be released to the public by such agency except as otherwise provided herein.

(18) In every case where there is any indication or suggestion of either abuse or neglect and a child's physical condition is medically labeled as medically "serious" or "critical" or a child dies, the confidentiality provisions of this section shall not apply. In cases of child deaths, the following information may be released by the Mississippi Department of Human Services: (a) child's name; (b) address or location; (c) verification from the Department of Human Services of case status (no case or involvement, case exists, open or active case, case closed); (d) if a case exists, the type of report or case (physical abuse, neglect, etc.), date of intake(s) and investigation(s), and case disposition (substantiated or unsubstantiated). Notwithstanding the aforesaid, the confidentiality provisions of this section shall continue if there is a pending or planned investigation by any local, state or federal governmental agency or institution.

(19) Any member of a foster care review board designated by the Department of Human Services shall have the right to inspect youth court records relating to the abuse, neglect or child in need of supervision cases assigned to such member for review.

(20) Information concerning an investigation into a report of child abuse or child neglect may be disclosed without further order of the youth court in any administrative or

due process hearing held, pursuant to Section 43-21-257, by the Department of Human Services for individuals whose names will be placed on the central registry as substantiated perpetrators.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2395

Description: Prekindergarten programs; to be implemented by the State Department of Education on a phased-in basis.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 493

History of Actions:

- | | | | |
|----|-------|-----|--|
| 1 | 01/21 | (S) | Referred To Education; Appropriations |
| 2 | 01/31 | (S) | DR - TSDPCS: ED To AP |
| 3 | 02/05 | (S) | Title Suff Do Pass Comm Sub |
| 4 | 02/07 | (S) | Committee Substitute Adopted |
| 5 | 02/07 | (S) | Amended |
| 6 | 02/07 | (S) | Passed As Amended {Vote} |
| 7 | 02/11 | (S) | Transmitted To House |
| 8 | 02/20 | (H) | Referred To Education; Appropriations |
| 9 | 02/27 | (H) | DR - TSDPAA: ED To AP |
| 10 | 03/05 | (H) | DR - TSDPAA: AP To ED |
| 11 | 03/05 | (H) | Title Suff Do Pass As Amended |
| 12 | 03/05 | (H) | Read the Third Time |
| 13 | 03/12 | (H) | Amended |
| 14 | 03/12 | (H) | Passed As Amended {Vote} |
| 15 | 03/13 | (H) | Motion to Reconsider Entered (Monsour,
Moore, Clarke) |
| 16 | 03/14 | (H) | Motion to Reconsider Tabled |
| 17 | 03/14 | (H) | Returned For Concurrence |
| 18 | 03/20 | (S) | Decline to Concur/Invite Conf |
| 19 | 03/25 | (S) | Conferees Named Tollison, Burton, Wiggins |
| 20 | 03/27 | (H) | Conferees Named Moore, Busby, Barker |
| 21 | 04/01 | (S) | Conference Report Filed |
| 22 | 04/01 | (H) | Conference Report Filed |
| 23 | 04/02 | (H) | Conference Report Adopted {Vote} |

24 04/02 (S) Conference Report Adopted {Vote}
 25 04/08 (S) Enrolled Bill Signed
 26 04/08 (H) Enrolled Bill Signed
 27 04/18 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted* Voice Vote
 [H] Committee Amendment No 1 *Adopted* Voice Vote
 Amendment Report for Senate Bill No. 2395

Conference Reports:

| Conference Report

Code Section: A 037-0021-0051, A 037-0021-0053, A 037-0007-0301, A 037-0021-0003,
 A 037-0021-0005, RP 037-0021-0055

----- Additional Information -----

Senate Committee: Education, Appropriations

House Committee: Education, Appropriations

Principal Author: Wiggins

Additional Authors: Tollison, Burton, Butler (36th), Dawkins, Hale, Horhn, Jackson
 (11th), Jordan, Montgomery, Stone

Title: AN ACT TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF EDUCATION TO IMPLEMENT A PREKINDERGARTEN PROGRAM IN THE STATE OF MISSISSIPPI ON A PHASED-IN BASIS; TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972, TO TRANSFER THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN SERVICES RELATIVE TO THE "EARLY LEARNING COLLABORATIVE ACT" TO THE STATE DEPARTMENT OF EDUCATION, TO REDESIGNATE THE PREKINDERGARTEN PROGRAM AS THE "EARLY LEARNING COLLABORATIVE ACT OF 2013," TO COMMIT FUNDING OF THE "EARLY LEARNING COLLABORATIVE ACT OF 2013" ON A PHASED-IN BASIS; TO AMEND SECTION 37-21-53, MISSISSIPPI CODE OF 1972, TO DESIGNATE THE STATE EARLY CHILDHOOD ADVISORY COUNCIL (SECAC) IN THE OFFICE OF THE GOVERNOR TO ASSIST THE STATE DEPARTMENT OF EDUCATION IN IMPLEMENTING THE "EARLY LEARNING COLLABORATIVE ACT OF 2013" PURSUANT TO FEDERAL LAW; TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO IMPLEMENT THE "EARLY LEARNING COLLABORATIVE ACT OF 2013"; TO AMEND SECTIONS 37-21-3 AND 37-21-5, MISSISSIPPI CODE OF 1972, TO PROVIDE QUALIFICATIONS FOR STATE OR FEDERAL FUNDED EARLY CHILDHOOD EDUCATION PROGRAM PERSONNEL; TO PROVIDE FOR A STATE INCOME TAX CREDIT FOR CONTRIBUTIONS TO QUALIFIED PREKINDERGARTEN PROGRAMS; TO REPEAL SECTION 37-21-55, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE EARLY CHILDHOOD SERVICES ADVISORY COMMITTEE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2395

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education; Appropriations

By: Senator(s) Wiggins, Tollison, Burton, Butler (36th),
Dawkins, Hale, Horhn, Jackson (11th), Jordan, Montgomery,
Stone

Senate Bill 2395

(As Sent to Governor)

AN ACT TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF EDUCATION TO IMPLEMENT A PREKINDERGARTEN PROGRAM IN THE STATE OF MISSISSIPPI ON A PHASED-IN BASIS; TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972, TO TRANSFER THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN SERVICES RELATIVE TO THE "EARLY LEARNING COLLABORATIVE ACT" TO THE STATE DEPARTMENT OF EDUCATION, TO REDESIGNATE THE PREKINDERGARTEN PROGRAM AS THE "EARLY LEARNING COLLABORATIVE ACT OF 2013," TO COMMIT FUNDING OF THE "EARLY LEARNING COLLABORATIVE ACT OF 2013" ON A PHASED-IN BASIS; TO AMEND SECTION 37-21-53, MISSISSIPPI CODE OF 1972, TO DESIGNATE THE STATE EARLY CHILDHOOD ADVISORY COUNCIL (SECAC) IN THE OFFICE OF THE GOVERNOR TO ASSIST THE STATE DEPARTMENT OF EDUCATION IN IMPLEMENTING THE "EARLY LEARNING COLLABORATIVE ACT OF 2013" PURSUANT TO FEDERAL LAW; TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO IMPLEMENT THE "EARLY LEARNING COLLABORATIVE ACT OF 2013"; TO AMEND SECTIONS 37-21-3 AND 37-21-5, MISSISSIPPI CODE OF 1972, TO PROVIDE QUALIFICATIONS FOR STATE OR FEDERAL FUNDED EARLY CHILDHOOD EDUCATION PROGRAM PERSONNEL; TO PROVIDE FOR A STATE INCOME TAX CREDIT FOR CONTRIBUTIONS TO QUALIFIED PREKINDERGARTEN PROGRAMS; TO REPEAL SECTION 37-21-55, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE EARLY CHILDHOOD SERVICES ADVISORY COMMITTEE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-21-51, Mississippi Code of 1972, is amended as follows:

37-21-51. (1) As used in * * * Section 37-21-51 * * *:

(a) "Preschool or prekindergarten children" means any children who have not entered kindergarten but will have obtained four (4) years of age on or before September 1 of a school year.

(b) An "early learning collaborative" is a district or countywide council that writes and submits an application to participate in the voluntary prekindergarten program. An early learning collaborative is comprised, at a minimum, of a public school district and/or a local Head Start affiliate if in existence, private or parochial schools, or one or more licensed child care centers. Agencies or other organizations that work with young children and their families may also participate in the collaborative to provide resources and coordination even if those agencies or organizations are not prekindergarten providers.

(c) A "prekindergarten provider" is a public, private or parochial school, licensed child care center or Head Start center that serves prekindergarten children and participates in the voluntary prekindergarten program.

(d) A "lead partner" is a public school district or other nonprofit entity with the instructional expertise and operational capacity to manage the early learning collaborative's prekindergarten program as described in the collaborative's approved application for funds. The lead partner serves as the fiscal agent for the collaborative and shall disburse awarded funds in accordance with the collaborative's approved application. The lead partner must facilitate a professional learning community for the teachers in the prekindergarten program and lead the collaborative. The lead partner ensures that the collaborative adopts and implements curriculum and assessments that align with the comprehensive early learning standards. The public school district shall be the lead partner if no other qualifying lead partner is selected.

(e) "Comprehensive early learning standards" are standards adopted by the State Board of Education that address the highest level of fundamental domains of early learning to include, but not be limited to, physical well-being and motor development, social/emotional development, approaches toward learning, language development and cognition and general knowledge. The comprehensive early learning standards shall also include standards for emergent literacy skills, including oral communication, knowledge of print and letters, phonological and phonemic awareness, and vocabulary and comprehension development.

(f) A "research-based curriculum" is an age-appropriate curriculum that is based on the findings of current research and has been found to be effective in improving student learning.

(2) To ensure that all children have access to quality early childhood education and development services, the Legislature finds and declares the following:

(a) Parents have the primary duty to educate their young preschool children;

(b) The State of Mississippi can assist and educate parents in their role as the primary caregivers and educators of young preschool children; * * *

(c) There is a need to explore innovative approaches and strategies for aiding parents and families in the education and development of young preschool children * * *; and

(d) There exists a patchwork of prekindergarten entities but no coordination of services and there needs to be a coordination of these services.

(3) (a) This subsection shall be known and may be cited as the "Early Learning Collaborative Act of * * * 2013."

(b) Effective with the 2013-2014 school year, the Mississippi State Department of * * * Education shall * * * establish a voluntary * * * prekindergarten program, which shall be a collaboration among the entities providing prekindergarten programs including Head Start, licensed child care facilities and licensed public, parochial and private school prekindergarten programs. This program shall be implemented no later than the 2014-2015 school year. Enrollment in the * * * prekindergarten program shall be coordinated with the Head Start agencies in the local areas and shall not be permitted to cause a reduction in children served by the Head Start program. Under this program, eligible entities may submit an application for funds to (i) defray the cost of additional and/or more qualified teaching staff, appropriate educational materials and equipment and to improve the quality of educational experiences offered to four-year-old children in * * * early care and education programs, and/or to (ii) extend developmentally appropriate education services at such * * * programs currently serving four-year-old children to include practices of high quality instruction, and to (iii) administer, implement, monitor and evaluate the programs, and

to (iv) defray the cost of professional development and age-appropriate child assessment. * * *

(c) Subject to the availability of funds appropriated therefor, the State Department of * * * Education shall * * * administer the implementation, monitoring and evaluation of the voluntary prekindergarten program, including awards and the application process.

(i) The department shall establish a rigorous and transparent application process for the awarding of funds. Lead partners shall submit the applications on behalf of their early learning collaborative.

(ii) The department will establish monitoring policies and procedures that, at a minimum, will include at least one (1) site visit a year.

(iii) The department will provide technical assistance to collaboratives and their providers to improve the quality of prekindergarten programs.

(iv) The department will evaluate the effectiveness of each early childhood collaborative and each prekindergarten provider. If the State Department of Education adopts a statewide kindergarten screening that assesses the readiness of each student for kindergarten, the State Department of Education shall adopt a minimum rate of readiness that each prekindergarten provider must meet in order to remain eligible for prekindergarten program funds. Each parent who enrolls his or her child in the prekindergarten program must submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school.

(d) * * * Prekindergarten program funds shall be awarded to early childhood collaboratives whose proposed programs meet the program criteria. The criteria shall include:

(i) Voluntary enrollment of children; * * *

(ii) Collaboration among prekindergarten providers and other early childhood programs through the establishment of an early learning collaborative;

(iii) Qualifications of master teachers, teachers and assistants, which must conform to guidelines in Section 37-21-3;

2013 GENERAL LAWS OF MISSISSIPPI SB 2395

(iv) At least fifteen (15) hours of annual professional development for program instructional staff, including professional development in early literacy;

(v) The use of state-adopted comprehensive early learning standards;

(vi) The use of a research-based curriculum that is designed to prepare students to be ready for kindergarten, with emphasis in early literacy, and is aligned with the comprehensive early learning standards;

(vii) The use of age-appropriate assessments aligned to the comprehensive early learning standards;

(viii) Teacher/child ratios of one (1) adult for every ten (10) children with a maximum of twenty (20) children per classroom and a minimum of five (5) children per classroom;

(ix) The provision of at least one (1) meal meeting state and federal nutrition guidelines for young children;

(x) Plans to screen and/or refer children for vision, hearing and other health issues;

(xi) Parent involvement opportunities;

(xii) Plans to serve children with disabilities as indicated under IDEA;

(xiii) The number of instructional hours to be provided, which shall equal no less than five hundred forty (540) instructional hours per school year for half-day programs and one thousand eighty (1,080) instructional hours per school year for full-day programs; and

(xiv) A budget detailing the use of funds for allowed expenses.

Participating child care centers shall: (a) meet state child care facility licensure requirements unless exempted under Section 43-20-5, Mississippi Code of 1972, and (b) select and utilize a nationally recognized assessment tool, approved by the State Department of Education, designed to document classroom quality, which must be in place not later than July 1, 2016, as certified by the State Department of Education.

Within the prekindergarten program, a prekindergarten provider must comply with the antidiscrimination requirements applicable to public schools. A prekindergarten provider may

not discriminate against a parent or child, including the refusal to admit a child for enrollment in the prekindergarten program, in violation of these antidiscrimination requirements. However, a prekindergarten provider may refuse to admit a child based on the provider's standard eligibility guidelines, provided that these guidelines do not violate the antidiscrimination requirements. Consistent with the Legislature's recognition of the primacy of a parent's role in the education of a preschool-age child and the related recognition of the state in assisting and educating parents in that role, if the State Department of Education adopts a statewide kindergarten screening that assesses the readiness of each student for kindergarten, the State Department of Education shall recognize each child's unique pattern of development when adopting a minimum rate of readiness that prekindergarten providers must meet in order to remain eligible for prekindergarten program funds. Each parent who enrolls his or her child in the prekindergarten program may submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school.

The State Department of Education may add program criteria not inconsistent with these requirements and shall develop policies and procedures to implement and enforce these criteria.

(e) The State Department of Education shall ensure that early learning collaboratives provide each parent enrolling a child in the voluntary prekindergarten program with a profile of every prekindergarten provider participating in the collaborative's geographic catchment area. The State Department of Education shall prescribe the information to be included in each profile as well as the format of the profiles. At a minimum, the profiles must include the prekindergarten provider's services, curriculum, instructor credentials and instructor-to-student ratio.

(* * *f) * * * A teacher, assistant teacher or other employee whose salary and fringe benefits are paid from * * * state funds under this act shall * * * only be * * * classified as a state or local school district * * * employee * * * eligible for state health insurance benefits or membership in the Public Employees' Retirement System, if the person's employer is already an agency or instrumentality of the state,

such as a school district, and the employee would be eligible for such benefits in the normal course of business.

(* * *g) * * * Funding shall be provided * * * for this program beginning with the * * * 2014 fiscal year subject to appropriation by the Legislature as provided in paragraph (h) of this subsection. The department shall make an annual report to the Legislature and the Governor regarding the effectiveness of the program. The PEER Committee shall review those reports and other program data and submit an independent evaluation of program operation and effectiveness to the Legislature and the Governor on or before October 1 of the calendar year before the beginning of the next phased-in period of funding.

(* * *h) (i) The Legislature shall appropriate funds to implement the Early Education Collaborative Act of 2013 on a phased-in basis as follows:

1. The first phase shall be based on an annual state appropriation of not more than Eight Million Dollars (\$8,000,000.00) and shall serve approximately three thousand five hundred (3,500) children through five (5) to eight (8) early learning collaboratives and their prekindergarten providers;

2. The second phase shall be based on an annual state appropriation of not more than Sixteen Million Dollars (\$16,000,000.00) and shall serve approximately seven thousand (7,000) children through ten (10) to fifteen (15) early learning collaboratives and their prekindergarten providers;

3. The third phase shall be based on an annual state appropriation of not more than Thirty-three Million Nine Hundred Fifty Thousand Dollars (\$33,950,000.00) and shall serve approximately fifteen thousand (15,000) children through twenty (20) to twenty-five (25) early learning collaboratives and their prekindergarten providers.

(ii) Future phases shall be based on interest in the program and the effectiveness of the program as determined by the school readiness of participants. Each phase shall last for at least three (3) years but no more than five (5) years. The State Department of Education shall determine when to move to a new phase of the program, within the timeline provided herein.

(iii) Funding shall be provided to early learning collaboratives on the basis of Two Thousand One Hundred Fifty

Dollars (\$2,150.00) per student in a full-day program and One Thousand Seventy-five Dollars (\$1,075.00) per student in a half-day program proposed in the collaborative's approved application. Once an early learning collaborative's plan is approved and funded, the collaborative and/or its prekindergarten providers shall receive funds on an ongoing basis unless the collaborative and/or its prekindergarten providers no longer meet the criteria to participate in the program.

(iv) Early learning collaboratives shall match state funds on a 1:1 basis. Local matching funds may include local tax dollars, federal dollars as allowed, parent tuition, philanthropic contributions, or in-kind donations of facilities, equipment and services required as part of the program such as food service or health screenings.

(v) The State Department of Education shall reserve no more than five percent (5%) of the appropriation in any year for administrative costs. Funds remaining after awards to early learning collaboratives and the department's administrative needs are met may be carried over in the following year. In the first year of implementation of the program, the department may delay the awarding of funds until the 2014-2015 school year should time not be sufficient to establish the program's operation prior to the 2013-2014 school year.

(vi) In the initial phase of implementation, the State Department of Education shall award state funds under the Early Learning Collaborative Act of 2013 based on a community's capacity, commitment and need. To determine capacity, commitment and need, the State Department of Education shall require evidence of existing strong local collaborations of early education stakeholders. Such evidence shall include, but not be limited to, collaborations resulting from any of the following:

1. Participation in Excel By 5;
2. Participation in supporting Partnerships to Assure Ready Kids (SPARK);
3. Participation in the Gilmore Early Learning Initiative (GELI); or
4. Participation in the Mississippi Building Blocks.

In determining community need, the department shall consider low academic achievement within the public school districts participating in an applicant early learning collaborative and the number and percentage of children without quality prekindergarten options.

(vii) All authority granted to the State Department of Education to establish program rules is subject to the public processes established in the provisions of the Mississippi Administrative Procedures Law, including, but not limited to, filing notice of the proposed rules, public hearings and any economic impact statement with the Office of the Secretary of State before presenting such information to the State Board of Education for final approval.

SECTION 2. Section 37-21-53, Mississippi Code of 1972, is amended as follows:

37-21-53. (1) The * * * State Early Childhood Advisory Council (SECAC), located in the Office of the Governor, is
* * * (a) to assist the State Department of Education with the implementation of the Early Learning Collaborative Act of 2013, (b) to ensure coordination among the various agencies and programs serving preschool children in order to support school district's efforts to achieve the goal of readiness to start school, (c) to facilitate communication, cooperation and maximum use of resources and to promote high standards for all programs serving preschool children and their families in Mississippi, (d) to serve as the designated council for early childhood education and care pursuant to federal Public Law 110-134, and (e) to carry out any responsibilities assigned to SECAC by the Governor and/or by applicable federal law.

(2) The membership of the * * * State Early Childhood Advisory Council (SECAC) in accordance with Public Law 110-134, shall include the following members to be appointed by the Governor:

(a) * * * A representative of the Mississippi Department of Human Services;

(b) * * * A representative of the Mississippi Department of Education;

(c) * * * A representative of local educational agencies;

(d) * * * A representative of Mississippi Institutions of Higher Education;

(e) * * * A representative of local providers of early childhood education and care services from each congressional district;

(f) * * * A representative from Head Start agencies located in the state, including Indian Head Start programs and migrant and seasonal Head Start programs as available;

(g) * * * The State Director of Head Start Collaboration;

(h) * * * The Part C Coordinator and/or the Section 619 Coordinator of programs under the Individuals with Disabilities Education Act (20 USC 1419, 1431 et seq.);

(i) * * * A representative of the Mississippi Department of Health;

(j) A representative of the Mississippi Department of Mental Health; and

(k) Representatives of other entities deemed relevant by the Governor.

* * *

SECTION 3. Section 37-7-301, Mississippi Code of 1972, is amended as follows:

37-7-301. The school boards of all school districts shall have the following powers, authority and duties in addition to all others imposed or granted by law, to wit:

(a) To organize and operate the schools of the district and to make such division between the high school grades and elementary grades as, in their judgment, will serve the best interests of the school;

(b) To introduce public school music, art, manual training and other special subjects into either the elementary or high school grades, as the board shall deem proper;

(c) To be the custodians of real and personal school property and to manage, control and care for same, both during the school term and during vacation;

(d) To have responsibility for the erection, repairing and equipping of school facilities and the making of necessary school improvements;

(e) To suspend or to expel a pupil or to change the placement of a pupil to the school district's alternative school or homebound program for misconduct in the school or

on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, or for conduct occurring on property other than school property or other than at a school-related activity or event when such conduct by a pupil, in the determination of the school superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, and to delegate such authority to the appropriate officials of the school district;

(f) To visit schools in the district, in their discretion, in a body for the purpose of determining what can be done for the improvement of the school in a general way;

(g) To support, within reasonable limits, the superintendent, principal and teachers where necessary for the proper discipline of the school;

(h) To exclude from the schools students with what appears to be infectious or contagious diseases; provided, however, such student may be allowed to return to school upon presenting a certificate from a public health officer, duly licensed physician or nurse practitioner that the student is free from such disease;

(i) To require those vaccinations specified by the State Health Officer as provided in Section 41-23-37;

(j) To see that all necessary utilities and services are provided in the schools at all times when same are needed;

(k) To authorize the use of the school buildings and grounds for the holding of public meetings and gatherings of the people under such regulations as may be prescribed by said board;

(l) To prescribe and enforce rules and regulations not inconsistent with law or with the regulations of the State Board of Education for their own government and for the government of the schools, and to transact their business at regular and special meetings called and held in the manner provided by law;

(m) To maintain and operate all of the schools under their control for such length of time during the year as may be required;

(n) To enforce in the schools the courses of study and the use of the textbooks prescribed by the proper authorities;

(o) To make orders directed to the superintendent of schools for the issuance of pay certificates for lawful purposes on any available funds of the district and to have full control of the receipt, distribution, allotment and disbursement of all funds provided for the support and operation of the schools of such school district whether such funds be derived from state appropriations, local ad valorem tax collections, or otherwise. The local school board shall be authorized and empowered to promulgate rules and regulations that specify the types of claims and set limits of the dollar amount for payment of claims by the superintendent of schools to be ratified by the board at the next regularly scheduled meeting after payment has been made;

(p) To select all school district personnel in the manner provided by law, and to provide for such employee fringe benefit programs, including accident reimbursement plans, as may be deemed necessary and appropriate by the board;

(q) To provide athletic programs and other school activities and to regulate the establishment and operation of such programs and activities;

(r) To join, in their discretion, any association of school boards and other public school-related organizations, and to pay from local funds other than minimum foundation funds, any membership dues;

(s) To expend local school activity funds, or other available school district funds, other than minimum education program funds, for the purposes prescribed under this paragraph. "Activity funds" shall mean all funds received by school officials in all school districts paid or collected to participate in any school activity, such activity being part of the school program and partially financed with public funds or supplemented by public funds. The term "activity funds" shall not include any funds raised and/or expended by any organization unless commingled in a bank account with existing activity funds, regardless of whether the funds were raised by school employees or received by school employees during school hours or using school facilities, and regardless of whether a school employee exercises influence over the expenditure or disposition of such funds. Organizations shall not be required to make any payment to any school for the

use of any school facility if, in the discretion of the local school governing board, the organization's function shall be deemed to be beneficial to the official or extracurricular programs of the school. For the purposes of this provision, the term "organization" shall not include any organization subject to the control of the local school governing board. Activity funds may only be expended for any necessary expenses or travel costs, including advances, incurred by students and their chaperons in attending any in-state or out-of-state school-related programs, conventions or seminars and/or any commodities, equipment, travel expenses, purchased services or school supplies which the local school governing board, in its discretion, shall deem beneficial to the official or extracurricular programs of the district, including items which may subsequently become the personal property of individuals, including yearbooks, athletic apparel, book covers and trophies. Activity funds may be used to pay travel expenses of school district personnel. The local school governing board shall be authorized and empowered to promulgate rules and regulations specifically designating for what purposes school activity funds may be expended. The local school governing board shall provide (i) that such school activity funds shall be maintained and expended by the principal of the school generating the funds in individual bank accounts, or (ii) that such school activity funds shall be maintained and expended by the superintendent of schools in a central depository approved by the board. The local school governing board shall provide that such school activity funds be audited as part of the annual audit required in Section 37-9-18. The State Department of Education shall prescribe a uniform system of accounting and financial reporting for all school activity fund transactions;

(t) To contract, on a shared savings, lease or lease-purchase basis, for energy efficiency services and/or equipment as provided for in Section 31-7-14, not to exceed ten (10) years;

(u) To maintain accounts and issue pay certificates on school food service bank accounts;

(v) (i) To lease a school building from an individual, partnership, nonprofit corporation or a private for-profit corporation for the use of such school district, and to expend funds therefor as may be available from any nonminimum program

sources. The school board of the school district desiring to lease a school building shall declare by resolution that a need exists for a school building and that the school district cannot provide the necessary funds to pay the cost or its proportionate share of the cost of a school building required to meet the present needs. The resolution so adopted by the school board shall be published once each week for three (3) consecutive weeks in a newspaper having a general circulation in the school district involved, with the first publication thereof to be made not less than thirty (30) days prior to the date upon which the school board is to act on the question of leasing a school building. If no petition requesting an election is filed prior to such meeting as hereinafter provided, then the school board may, by resolution spread upon its minutes, proceed to lease a school building. If at any time prior to said meeting a petition signed by not less than twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of the school district involved shall be filed with the school board requesting that an election be called on the question, then the school board shall, not later than the next regular meeting, adopt a resolution calling an election to be held within such school district upon the question of authorizing the school board to lease a school building. Such election shall be called and held, and notice thereof shall be given, in the same manner for elections upon the questions of the issuance of the bonds of school districts, and the results thereof shall be certified to the school board. If at least three-fifths (3/5) of the qualified electors of the school district who voted in such election shall vote in favor of the leasing of a school building, then the school board shall proceed to lease a school building. The term of the lease contract shall not exceed twenty (20) years, and the total cost of such lease shall be either the amount of the lowest and best bid accepted by the school board after advertisement for bids or an amount not to exceed the current fair market value of the lease as determined by the averaging of at least two (2) appraisals by certified general appraisers licensed by the State of Mississippi. The term "school building" as used in this paragraph (v) (i) shall be construed to mean any building or buildings used for classroom purposes in connection with the operation of schools and shall include the site therefor, necessary support facilities, and the equipment thereof and

appurtenances thereto such as heating facilities, water supply, sewage disposal, landscaping, walks, drives and playgrounds. The term "lease" as used in this paragraph (v) (i) may include a lease/purchase contract;

(ii) If two (2) or more school districts propose to enter into a lease contract jointly, then joint meetings of the school boards having control may be held but no action taken shall be binding on any such school district unless the question of leasing a school building is approved in each participating school district under the procedure hereinabove set forth in paragraph (v) (i). All of the provisions of paragraph (v) (i) regarding the term and amount of the lease contract shall apply to the school boards of school districts acting jointly. Any lease contract executed by two (2) or more school districts as joint lessees shall set out the amount of the aggregate lease rental to be paid by each, which may be agreed upon, but there shall be no right of occupancy by any lessee unless the aggregate rental is paid as stipulated in the lease contract. All rights of joint lessees under the lease contract shall be in proportion to the amount of lease rental paid by each;

(w) To employ all noninstructional and noncertificated employees and fix the duties and compensation of such personnel deemed necessary pursuant to the recommendation of the superintendent of schools;

(x) To employ and fix the duties and compensation of such legal counsel as deemed necessary;

(y) Subject to rules and regulations of the State Board of Education, to purchase, own and operate trucks, vans and other motor vehicles, which shall bear the proper identification required by law;

(z) To expend funds for the payment of substitute teachers and to adopt reasonable regulations for the employment and compensation of such substitute teachers;

(aa) To acquire in its own name by purchase all real property which shall be necessary and desirable in connection with the construction, renovation or improvement of any public school building or structure. Whenever the purchase price for such real property is greater than Fifty Thousand Dollars (\$50,000.00), the school board shall not purchase the property for an amount exceeding the fair market value

of such property as determined by the average of at least two (2) independent appraisals by certified general appraisers licensed by the State of Mississippi. If the board shall be unable to agree with the owner of any such real property in connection with any such project, the board shall have the power and authority to acquire any such real property by condemnation proceedings pursuant to Section 11-27-1 et seq., Mississippi Code of 1972, and for such purpose, the right of eminent domain is hereby conferred upon and vested in said board. Provided further, that the local school board is authorized to grant an easement for ingress and egress over sixteenth section land or lieu land in exchange for a similar easement upon adjoining land where the exchange of easements affords substantial benefit to the sixteenth section land; provided, however, the exchange must be based upon values as determined by a competent appraiser, with any differential in value to be adjusted by cash payment. Any easement rights granted over sixteenth section land under such authority shall terminate when the easement ceases to be used for its stated purpose. No sixteenth section or lieu land which is subject to an existing lease shall be burdened by any such easement except by consent of the lessee or unless the school district shall acquire the unexpired leasehold interest affected by the easement;

(bb) To charge reasonable fees related to the educational programs of the district, in the manner prescribed in Section 37-7-335;

(cc) Subject to rules and regulations of the State Board of Education, to purchase relocatable classrooms for the use of such school district, in the manner prescribed in Section 37-1-13;

(dd) Enter into contracts or agreements with other school districts, political subdivisions or governmental entities to carry out one or more of the powers or duties of the school board, or to allow more efficient utilization of limited resources for providing services to the public;

(ee) To provide for in-service training for employees of the district;

(ff) As part of their duties to prescribe the use of textbooks, to provide that parents and legal guardians shall be responsible for the textbooks and for the compensation to the school district for any books which are not returned to

the proper schools upon the withdrawal of their dependent child. If a textbook is lost or not returned by any student who drops out of the public school district, the parent or legal guardian shall also compensate the school district for the fair market value of the textbooks;

(gg) To conduct fund-raising activities on behalf of the school district that the local school board, in its discretion, deems appropriate or beneficial to the official or extracurricular programs of the district; provided that:

(i) Any proceeds of the fund-raising activities shall be treated as "activity funds" and shall be accounted for as are other activity funds under this section; and

(ii) Fund-raising activities conducted or authorized by the board for the sale of school pictures, the rental of caps and gowns or the sale of graduation invitations for which the school board receives a commission, rebate or fee shall contain a disclosure statement advising that a portion of the proceeds of the sales or rentals shall be contributed to the student activity fund;

(hh) To allow individual lessons for music, art and other curriculum-related activities for academic credit or nonacademic credit during school hours and using school equipment and facilities, subject to uniform rules and regulations adopted by the school board;

(ii) To charge reasonable fees for participating in an extracurricular activity for academic or nonacademic credit for necessary and required equipment such as safety equipment, band instruments and uniforms;

(jj) To conduct or participate in any fund-raising activities on behalf of or in connection with a tax-exempt charitable organization;

(kk) To exercise such powers as may be reasonably necessary to carry out the provisions of this section;

(ll) To expend funds for the services of nonprofit arts organizations or other such nonprofit organizations who provide performances or other services for the students of the school district;

(mm) To expend federal No Child Left Behind Act funds, or any other available funds that are expressly designated and authorized for that use, to pay training, educational

expenses, salary incentives and salary supplements to employees of local school districts; except that incentives shall not be considered part of the local supplement as defined in Section 37-151-5(o), nor shall incentives be considered part of the local supplement paid to an individual teacher for the purposes of Section 37-19-7(1). Mississippi Adequate Education Program funds or any other state funds may not be used for salary incentives or salary supplements as provided in this paragraph (mm);

(nn) To use any available funds, not appropriated or designated for any other purpose, for reimbursement to the state-licensed employees from both in state and out of state, who enter into a contract for employment in a school district, for the expense of moving when the employment necessitates the relocation of the licensed employee to a different geographical area than that in which the licensed employee resides before entering into the contract. The reimbursement shall not exceed One Thousand Dollars (\$1,000.00) for the documented actual expenses incurred in the course of relocating, including the expense of any professional moving company or persons employed to assist with the move, rented moving vehicles or equipment, mileage in the amount authorized for county and municipal employees under Section 25-3-41 if the licensed employee used his personal vehicle or vehicles for the move, meals and such other expenses associated with the relocation. No licensed employee may be reimbursed for moving expenses under this section on more than one (1) occasion by the same school district. Nothing in this section shall be construed to require the actual residence to which the licensed employee relocates to be within the boundaries of the school district that has executed a contract for employment in order for the licensed employee to be eligible for reimbursement for the moving expenses. However, the licensed employee must relocate within the boundaries of the State of Mississippi. Any individual receiving relocation assistance through the Critical Teacher Shortage Act as provided in Section 37-159-5 shall not be eligible to receive additional relocation funds as authorized in this paragraph;

(oo) To use any available funds, not appropriated or designated for any other purpose, to reimburse persons who interview for employment as a licensed employee with the district for the mileage and other actual expenses incurred in the course of travel to and from the interview at the rate

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authorized for county and municipal employees under Section 25-3-41;

(pp) Consistent with the report of the Task Force to Conduct a Best Financial Management Practices Review, to improve school district management and use of resources and identify cost savings as established in Section 8 of Chapter 610, Laws of 2002, local school boards are encouraged to conduct independent reviews of the management and efficiency of schools and school districts. Such management and efficiency reviews shall provide state and local officials and the public with the following:

(i) An assessment of a school district's governance and organizational structure;

(ii) An assessment of the school district's financial and personnel management;

(iii) An assessment of revenue levels and sources;

(iv) An assessment of facilities utilization, planning and maintenance;

(v) An assessment of food services, transportation and safety/security systems;

(vi) An assessment of instructional and administrative technology;

(vii) A review of the instructional management and the efficiency and effectiveness of existing instructional programs; and

(viii) Recommended methods for increasing efficiency and effectiveness in providing educational services to the public;

(qq) To enter into agreements with other local school boards for the establishment of an educational service agency (ESA) to provide for the cooperative needs of the region in which the school district is located, as provided in Section 37-7-345;

(rr) To implement a financial literacy program for students in Grades 10 and 11. The board may review the national programs and obtain free literature from various nationally recognized programs. After review of the different programs, the board may certify a program that is most appropriate for the school districts' needs. If a district implements a financial literacy

program, then any student in Grade 10 or 11 may participate in the program. The financial literacy program shall include, but is not limited to, instruction in the same areas of personal business and finance as required under Section 37-1-3(2)(b). The school board may coordinate with volunteer teachers from local community organizations, including, but not limited to, the following: United States Department of Agriculture Rural Development, United States Department of Housing and Urban Development, Junior Achievement, bankers and other nonprofit organizations. Nothing in this paragraph shall be construed as to require school boards to implement a financial literacy program;

(ss) To collaborate with the State Board of Education, Community Action Agencies or the Department of Human Services to develop and implement a voluntary program to provide services for a prekindergarten program that addresses the cognitive, social, and emotional needs of four-year-old and three-year-old children. The school board may utilize any source of available revenue to fund the voluntary program * * *. Effective with the 2013-2014 school year, to implement voluntary prekindergarten programs under the Early Learning Collaborative Act of 2013 pursuant to state funds awarded by the State Department of Education on a matching basis;

(tt) With respect to any lawful, written obligation of a school district, including, but not limited to, leases (excluding leases of sixteenth section public school trust land), bonds, notes, or other agreement, to agree in writing with the obligee that the Department of Revenue or any state agency, department or commission created under state law may:

(i) Withhold all or any part (as agreed by the school board) of any monies which such local school board is entitled to receive from time to time under any law and which is in the possession of the Department of Revenue, or any state agency, department or commission created under state law; and

(ii) Pay the same over to any financial institution, trustee or other obligee, as directed in writing by the school board, to satisfy all or part of such obligation of the school district.

The school board may make such written agreement to withhold and transfer funds irrevocable for the term of the written obligation and may include in the written agreement any other terms and provisions acceptable to the school board. If the

school board files a copy of such written agreement with the Department of Revenue, or any state agency, department or commission created under state law then the Department of Revenue or any state agency, department or commission created under state law shall immediately make the withholdings provided in such agreement from the amounts due the local school board and shall continue to pay the same over to such financial institution, trustee or obligee for the term of the agreement.

This paragraph (tt) shall not grant any extra authority to a school board to issue debt in any amount exceeding statutory limitations on assessed value of taxable property within such school district or the statutory limitations on debt maturities, and shall not grant any extra authority to impose, levy or collect a tax which is not otherwise expressly provided for, and shall not be construed to apply to sixteenth section public school trust land;

(uu) With respect to any matter or transaction that is competitively bid by a school district, to accept from any bidder as a good-faith deposit or bid bond or bid surety, the same type of good-faith deposit or bid bond or bid surety that may be accepted by the state or any other political subdivision on similar competitively bid matters or transactions. This paragraph (uu) shall not be construed to apply to sixteenth section public school trust land. The school board may authorize the investment of any school district funds in the same kind and manner of investments, including pooled investments, as any other political subdivision, including community hospitals;

(vv) To utilize the alternate method for the conveyance or exchange of unused school buildings and/or land, reserving a partial or other undivided interest in the property, as specifically authorized and provided in Section 37-7-485, Mississippi Code of 1972;

(ww) To delegate, privatize or otherwise enter into a contract with private entities for the operation of any and all functions of nonacademic school process, procedures and operations including, but not limited to, cafeteria workers, janitorial services, transportation, professional development, achievement and instructional consulting services materials and products, purchasing cooperatives, insurance, business manager services, auditing and accounting services, school

safety/risk prevention, data processing and student records, and other staff services; however, the authority under this paragraph does not apply to the leasing, management or operation of sixteenth section lands. Local school districts, working through their regional education service agency, are encouraged to enter into buying consortia with other member districts for the purposes of more efficient use of state resources as described in Section 37-7-345;

(xx) To partner with entities, organizations and corporations for the purpose of benefiting the school district;

(yy) To borrow funds from the Rural Economic Development Authority for the maintenance of school buildings;

(zz) To fund and operate voluntary early childhood education programs, defined as programs for children less than five (5) years of age on or before September 1, and to use any source of revenue for such early childhood education programs. Such programs shall not conflict with the Early Learning Collaborative Act of* * * 2013;

(aaa) To issue and provide for the use of procurement cards by school board members, superintendents and licensed school personnel consistent with the rules and regulations of the Mississippi Department of Finance and Administration under Section 31-7-9; and

(bbb) To conduct an annual comprehensive evaluation of the superintendent of schools consistent with the assessment components of paragraph (pp) of this section and the assessment benchmarks established by the Mississippi School Board Association to evaluate the success the superintendent has attained in meeting district goals and objectives, the superintendent's leadership skill and whether or not the superintendent has established appropriate standards for performance, is monitoring success and is using data for improvement.

SECTION 4. Section 37-21-3, Mississippi Code of 1972, is amended as follows:

37-21-3. No person shall act in the capacity of master teacher, teacher or assistant teacher * * * in any federal or state -funded program of early childhood education or "* * * Head Start," or perform any of the functions, duties or powers of the same, unless that person shall be qualified in the following manner:

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(a) A * * * master teacher or any other employee or consultant receiving a salary or fee equivalent to that of a * * * master teacher * * * shall * * * meet the qualifications of a teacher in this section, including the requirement that a teacher may be required to hold a state teaching license by the State Department of Education, and have demonstrated effectiveness as an early childhood educator. Effectiveness as an early childhood educator may be demonstrated by a rating of highly effective on a state evaluation of teaching, if available, or with evidence that the teacher has a record of raising the achievement outcomes of prekindergarten students.

(b) A teacher shall possess a * * * bachelor's degree in early childhood education, child development, or an equivalent field. A teacher may also possess a bachelor's degree in any field as well as have at least twelve (12) credit hours of coursework in early childhood education, child development, or an equivalent field approved by an institution granting a bachelor's degree in the early childhood education, child development, or an equivalent field; or have a bachelor's degree in any field as well as have completed a specialized early childhood training program deemed equivalent by the State Department of Education to twelve (12) hours of approved coursework.

(c) An assistant teacher shall possess * * * an associate's degree in early childhood education, child development, or an equivalent field; or an associate's degree in any field and a Child Development Associate credential, a Montessori certification, or an equivalent certification. Public school assistant teachers in the voluntary prekindergarten program established by the Early Learning Collaborative Act of 2013 may be required by the State Department of Education to meet the definition of a highly qualified paraprofessional in addition to these requirements.

* * *

The State Department of Education shall adopt any necessary rules, policies or procedures to implement this section.

SECTION 5. Section 37-21-5, Mississippi Code of 1972, is amended as follows:

37-21-5. The * * * State Department of Education of the State of Mississippi is vested with the authority to enforce the provisions of Sections 37-21-1 through 37-21-5. The

* * * department shall have the authority to make investigations and to require such proof of qualification as may be necessary for the enforcement of Sections 37-21-1 through 37-21-5.* * *

SECTION 6. This section shall be codified in Title 27, Chapter 7 of the Mississippi Code of 1972, as follows:

(1) There shall be allowed as a credit against the tax imposed by Section 27-7-5 the amount of the qualified prekindergarten program support contributions paid to approved providers, lead partners or collaboratives, not to exceed One Million Dollars (\$1,000,000.00), by any individual, corporation or other entity having taxable income under the laws of this state during calendar year 2013 or during any calendar year thereafter. In order to qualify for a tax credit, such contributions may support the local match requirement of approved providers, lead partners or collaboratives as is necessary to match state-appropriated funds, and any such providers, lead partners or collaboratives shall be approved by the State Department of Education.

(2) Any unused portion of the credit may be carried forward for three (3) tax years.

(3) Any prekindergarten program support contribution shall be verified by submission to the Mississippi Department of Revenue of a copy of the receipt provided to the donor taxpayer by the prekindergarten program recipient or such other written verification as may be required by the Department of Revenue.

(4) The maximum amount of donations accepted by the Department of Revenue in calendar year 2014 shall not exceed Eight Million Dollars (\$8,000,000.00), in calendar year 2015 shall not exceed Fifteen Million Dollars (\$15,000,000.00), and in calendar year 2016 and calendar years thereafter shall not exceed Thirty-two Million Dollars (\$32,000,000.00), or what is appropriated by the Legislature to fund this act each year.

(5) The Mississippi Department of Revenue shall promulgate rules necessary to effectuate the purposes of this act. Such rules shall include a means of informing the public of the existence of the prekindergarten support program and the application process for provider, lead partner and collaborative candidates.

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SECTION 7. Section 37-21-55, Mississippi Code of 1972, which establishes the Early Childhood Services Advisory Committee, is hereby repealed.

SECTION 8. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2396

Description: Accreditation of schools; prescribe standards for single “A” through “F” school and school district accountability system.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 563

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (S) | Referred To Education |
| 2 | 01/29 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/14 | (S) | Committee Substitute Adopted |
| 4 | 02/14 | (S) | Passed {Vote} |
| 5 | 02/15 | (S) | Transmitted To House |
| 6 | 02/21 | (H) | Referred To Education |
| 7 | 02/27 | (H) | Title Suff Do Pass As Amended |
| 8 | 03/05 | (H) | Read the Third Time |
| 9 | 03/06 | (H) | Amended |
| 10 | 03/06 | (H) | Passed As Amended {Vote} |
| 11 | 03/08 | (H) | Returned For Concurrence |
| 12 | 03/20 | (S) | Decline to Concur/Invite Conf |
| 13 | 03/25 | (S) | Conferees Named Tollison, Collins, Hale |
| 14 | 03/27 | (H) | Conferees Named Moore, Mayo, Crawford |
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| 20 | 04/08 | (H) | Enrolled Bill Signed |
| 21 | 04/25 | | Approved by Governor |

Amendments:

[H] Committee Amendment No 1 Replaced by Substitute

[H] Substitute No 1 for Committee Amendment No 1 *Adopted* Voice Vote

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Amendment Report for Senate Bill No. 2396

Conference Reports:

| Conference Report

Code Section: A 037-0017-0006

----- **Additional Information** -----

Senate Committee: Education

House Committee: Education

Principal Author: Tollison

Title: AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF EDUCATION, ACTING THROUGH THE MISSISSIPPI COMMISSION ON SCHOOL ACCREDITATION, TO ESTABLISH A SINGLE "A" THROUGH "F" SCHOOL AND DISTRICT ACCOUNTABILITY SYSTEM SATISFYING FEDERAL AND STATE ACCOUNTABILITY REQUIREMENTS AND TO PRESCRIBE STANDARDS FOR THAT SYSTEM; AND FOR RELATED PURPOSES.

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MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education

By: Senator(s) Tollison

Senate Bill 2396

(As Sent to Governor)

AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF EDUCATION, ACTING THROUGH THE MISSISSIPPI COMMISSION ON SCHOOL ACCREDITATION, TO ESTABLISH A SINGLE "A" THROUGH "F" SCHOOL AND DISTRICT ACCOUNTABILITY SYSTEM SATISFYING FEDERAL AND STATE ACCOUNTABILITY REQUIREMENTS AND TO PRESCRIBE STANDARDS FOR THAT SYSTEM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-17-6, Mississippi Code of 1972, is amended as follows:

* * *

37-17-6. (1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and all public elementary and secondary schools shall be accredited under this system.

(2) No later than June 30, 1995, the State Board of Education, acting through the Commission on School Accreditation, shall require school districts to provide school classroom space that is air-conditioned as a minimum requirement for accreditation.

(3) (a) Beginning with the 1994-1995 school year, the State Board of Education, acting through the Commission on School Accreditation, shall require that school districts employ certified school librarians according to the following formula:

Number of Students
Per School Library
0 - 499 Students

Number of Certified
School Librarians
1/2 Full-time Equivalent
Certified Librarian

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500 or More Students

1 Full-time Certified
Librarian

(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.

(c) The assignment of certified school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.

(d) School librarians in the district shall spend at least fifty percent (50%) of direct work time in a school library and shall devote no more than one-fourth (1/4) of the workday to administrative activities that are library related.

(e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians than are provided for in this section.

(f) Any additional millage levied to fund school librarians required for accreditation under this subsection shall be included in the tax increase limitation set forth in Sections 37-57-105 and 37-57-107 and shall not be deemed a new program for purposes of the limitation.

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual schools which shall include the following:

(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;

(b) Strong accountability for results with appropriate local flexibility for local implementation;

(c) A process to implement accountability at both the school district level and the school level;

(d) Individual schools shall be held accountable for student growth and performance;

(e) Set annual performance standards for each of the schools of the state and measure the performance of each

school against itself through the standard that has been set for it;

(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to those schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and federal law. Under the new designations, a school or school district that has earned a "Star" rating shall be designated an "A" school or school district; a school or school district that has earned a "High-Performing" rating shall be designated a "B" school or school district; a school or school district that has earned a "Successful" rating shall be designated a "C" school or school district; a school or school district that has earned an "Academic Watch" rating shall be designated a "D" school or school district; a school or school district that has earned a "Low-Performing," "At-Risk of Failing" or "Failing" rating shall be designated an "F" school or school district. Effective with the implementation of any new curriculum and assessment standards, the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the school and

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school district accreditation rating system to a simple "A," "B," "C," "D," and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;

(h) Development of a comprehensive student assessment system to implement these requirements; and

(i) The State Board of Education may, based on a written request that contains specific reasons for requesting a waiver from the school districts affected by Hurricane Katrina of 2005, hold harmless school districts from assignment of district and school level accountability ratings for the 2005-2006 school year. The State Board of Education upon finding an extreme hardship in the school district may grant the request. It is the intent of the Legislature that all school districts maintain the highest possible academic standards and instructional programs in all schools as required by law and the State Board of Education.

* * *

(5) (a) Effective with the 2013-2014 school year, the State Department of Education, acting through the Mississippi Commission on School Accreditation, shall revise and implement a single "A" through "F" school and school district accountability system complying with applicable federal and state requirements in order to reach the following educational goals:

(i) To mobilize resources and supplies to ensure that all students exit third grade reading on grade level by 2015;

(ii) To reduce the student dropout rate to thirteen percent (13%) by 2015; and

(iii) To have sixty percent (60%) of students scoring proficient and advanced on the assessments of the Common Core State Standards by 2016 with incremental increases of three percent (3%) each year thereafter.

(b) The State Department of Education shall combine the state school and school district accountability system with the federal system in order to have a single system.

(c) The State Department of Education shall establish five (5) performance categories ("A," "B," "C," "D" and "F") for the accountability system based on the following criteria:

(i) Student Achievement: the percent of students proficient and advanced on the current state assessments;

(ii) Individual student growth: the percent of students making one (1) year's progress in one (1) year's time on the state assessment, with an emphasis on the progress of the lowest twenty-five percent (25%) of students in the school or district;

(iii) Four-year graduation rate: the percent of students graduating with a standard high school diploma in four (4) years, as defined by federal regulations;

(iv) Categories shall identify schools as Reward ("A" schools), Focus ("D" schools) and Priority ("F" schools). If at least five percent (5%) of schools in the state are not graded as "F" schools, the lowest five percent (5%) of school grade point designees will be identified as Priority schools. If at least ten percent (10%) of schools in the state are not graded as "D" schools, the lowest ten percent (10%) of school grade point designees will be identified as Focus schools;

(v) The State Department of Education shall discontinue the use of Star School, High-Performing, Successful, Academic Watch, Low-Performing, At-Risk of Failing and Failing school accountability designations;

(vi) The system shall include the federally compliant four-year graduation rate in school and school district accountability system calculations. Graduation rate will apply to high school and school district accountability ratings as a compensatory component. The system shall discontinue the use of the High School Completer Index (HSCI);

(vii) The school and school district accountability system shall incorporate a standards-based growth model, in order to support improvement of individual student learning;

(viii) The State Department of Education shall discontinue the use of the Quality Distribution Index (QDI);

(ix) The State Department of Education shall determine feeder patterns of schools that do not earn a school grade because the grades and subjects taught at the school do not have statewide standardized assessments needed to calculate a

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school grade. Upon determination of the feeder pattern, the department shall notify schools and school districts prior to the release of the school grades beginning in 2013. Feeder schools will be assigned the accountability designation of the school to which they provide students;

(x) Standards for student, school and school district performance will be increased when student proficiency is at a seventy-five percent (75%) and/or when sixty-five percent (65%) of the schools and/or school districts are earning a grade of "B" or higher, in order to raise the standard on performance after targets are met.

(* * *6) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.

(* * *7) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation to determine whether schools are complying with accreditation standards.

(* * *8) The State Board of Education shall be specifically authorized and empowered to withhold adequate education program fund allocations, whichever is applicable, to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(* * *9) Deleted.

(* * *10) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (* * * 15) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (* * * 15) of this section have been invoked.

(* * *11) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the

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program of development in each applicable school district as follows:

(a) Develop an impairment report for each district failing to meet accreditation standards in conjunction with school district officials;

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve: (i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the State Department of Education shall provide technical and/or financial assistance to all such school districts in order to implement each measure identified in that district's corrective action plan through professional development and on-site assistance. Each such school district shall apply for and utilize all available federal funding in order to support its corrective action plan in addition to state funds made available under this paragraph;

(d) Assign department personnel or contract, in its discretion, with the institutions of higher learning or other appropriate private entities with experience in the academic,

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finance and other operational functions of schools to assist school districts;

(e) Provide for publication of public notice at least one time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report; and other information as the State Board of Education deems appropriate. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

(* * *12) (a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. Additionally, if the local school district violates accreditation standards that have been determined by the policies and procedures of the State Board of Education to be a basis for withdrawal of school district's accreditation without a probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. After its consideration of the results of the hearing, the Commission on School Accreditation shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared in that district.

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law, or when a school district meets the State Board of Education's definition of a failing school district for two

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(2) consecutive full school years, or if more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one (1) year, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, the declarations of a state of emergency shall not be limited to those instances when a school district's impairments are related to a lack of financial resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

(c) Whenever the Governor declares a state of emergency in a school district in response to a request made under paragraph (a) or (b) of this subsection, the State Board of Education may take one or more of the following actions:

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided in Section 206, Constitution of 1890, until the board determines corrective actions are being taken or the deficiencies have been removed, or that the needs of students warrant the release of funds. The funds may be released from escrow for any program which the board determines to have been restored to standard even though the state of emergency may not as yet be terminated for the district as a whole;

(ii) Override any decision of the local school board or superintendent of education, or both, concerning the management and operation of the school district, or initiate and make decisions concerning the management and operation of the school district;

(iii) Assign an interim conservator, or in its discretion, contract with a private entity with experience in the academic, finance and other operational functions of schools and school districts, who will have those powers and duties prescribed in subsection (* * * 15) of this section;

(iv) Grant transfers to students who attend this school district so that they may attend other accredited schools or districts in a manner that is not in violation of state or federal law;

(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too

few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest of the pupils of the district for the consolidation to proceed, the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education;

(vi) For states of emergency declared under paragraph (b) only, reduce local supplements paid to school district employees, including, but not limited to, instructional personnel, assistant teachers and extracurricular activities personnel, if the district's impairment is related to a lack of financial resources, but only to an extent that will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education;

(vii) For states of emergency declared under paragraph (b) only, the State Board of Education may take any action as prescribed in Section 37-17-13.

(d) At the time that satisfactory corrective action has been taken in a school district in which a state of emergency has been declared, the State Board of Education may request the Governor to declare that the state of emergency no longer exists in the district.

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b). In the event the accreditation of the student's home district is restored after a transfer has been approved, the student may continue to attend the transferee school district. The per-pupil amount of the adequate education program allotment, including the collective "add-on program" costs for the student's home school district shall be transferred monthly to the school district accredited by

the Commission on School Accreditation that has granted the transfer of the school-age child.

(f) Upon the declaration of a state of emergency for any school district in which the Governor has previously declared a state of emergency, the State Board of Education may either (i) establish a conservatorship or (ii) abolish the school district and administratively consolidate the school district with one or more existing school districts or (iii) reduce the size of the district and administratively consolidate parts of the district, as determined by the State Board of Education; provided, however, that no school district which is not under conservatorship shall be required to accept additional territory over the objection of the district.

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to state conservatorship, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2) chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee conservators assigned by the State Board of Education to a local school district, hear appeals from school districts under conservatorship that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the school district from which the appeal originated in order to ensure the ability of appellants, other parties and witnesses to appeal without undue burden of travel costs or loss of time from work, and perform other related duties as assigned by the State Superintendent of Public Education. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall determine, based on rigorous professional qualifications set by the State Board of Education, the appropriate individuals to be engaged

to be conservators and financial advisors, if applicable, of all school districts subject to state conservatorship. After State Board of Education approval, these individuals shall be deemed independent contractors.

(* * *13) Upon the declaration of a state of emergency in a school district under subsection (* * * 12) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If a conservator has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed conservator (name of conservator)."

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the district's impairment deficiencies, conditions of any conservatorship and corrective actions recommended and being taken. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

Upon termination of the state of emergency in a school district, the Commission on School Accreditation shall cause notice to be published in the school district in the same manner provided in this section, to include any or all details relating to the corrective action taken in the school district that resulted in the termination of the state of emergency.

(* * *14) The State Board of Education or the Commission on School Accreditation shall have the authority to require school districts to produce the necessary reports, correspondence, financial statements, and any other documents and information necessary to fulfill the requirements of this section.

Nothing in this section shall be construed to grant any individual, corporation, board or conservator the authority to levy taxes except in accordance with presently existing statutory provisions.

(* * *15) (a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (* * *12) of this section, the State Board of Education, in its discretion, may assign an interim conservator to the school district, or in its discretion, may contract with an appropriate private entity with experience in the academic, finance and other operational functions of schools and school districts, who will be responsible for the administration, management and operation of the school district, including, but not limited to, the following activities:

(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel, contractual agreements and purchase orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim conservator shall not be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105;

(ii) Supervising the day-to-day activities of the district's staff, including reassigning the duties and responsibilities of personnel in a manner which, in the determination of the conservator, will best suit the needs of the district;

(iii) Reviewing the district's total financial obligations and operations and making recommendations to the district for cost savings, including, but not limited to, reassigning the duties and responsibilities of staff;

(iv) Attending all meetings of the district's school board and administrative staff;

(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

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(vi) Maintaining a detailed account of recommendations made to the district and actions taken in response to those recommendations;

(vii) Reporting periodically to the State Board of Education on the progress or lack of progress being made in the district to improve the district's impairments during the state of emergency; and

(viii) Appointing a parent advisory committee, comprised of parents of students in the school district that may make recommendations to the conservator concerning the administration, management and operation of the school district.

Except when, in the determination of the State Board of Education, the school district's impairment is related to a lack of financial resources, the cost of the salary of the conservator and any other actual and necessary costs related to the conservatorship paid by the State Department of Education shall be reimbursed by the local school district from funds other than adequate education program funds. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's adequate education program funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, the powers and responsibilities of the interim conservator assigned to the district shall cease.

(b) In order to provide loans to school districts under a state of emergency or under conservatorship that have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. Funds in the School District Emergency Assistance Fund up to a maximum balance of Three Million Dollars (\$3,000,000.00) annually shall not lapse but shall be available for expenditure in subsequent years subject to approval of the State Board of Education. Any amount in the fund in excess of Three Million Dollars (\$3,000,000.00) at the end of the fiscal year shall lapse into

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the State General Fund or the Education Enhancement Fund, depending on the source of the fund.

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or under conservatorship, in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the School District Emergency Assistance Fund* * * by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's adequate education program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; the funds withheld by the department shall be deposited into the School District Emergency Assistance Fund.

The State Board of Education shall develop a protocol that will outline the performance standards and requisite time line deemed necessary for extreme emergency measures. If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. The action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety bonds of school officials or from any civil action brought under this subsection shall be applied toward the repayment of any loan made to a school district hereunder.

(* * * 16) If a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim

conservator, who shall be responsible for the administration, management and operation of the school district until the time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (* * * 12), whichever occurs first. In that case, the State Board of Education, acting through the interim conservator, shall have all powers which were held by the previously existing school board, and may take any action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

(* * * 17) (a) If the Governor declares a state of emergency in a school district, the State Board of Education may take all such action pertaining to that school district as is authorized under subsection (* * * 12) or (* * * 15) of Section 37-17-6, including the appointment of an interim conservator. The State Board of Education shall also have the authority to issue a written request with documentation to the Governor asking that the office of the superintendent of the school district be subject to recall. If the Governor declares that the office of the superintendent of the school district is subject to recall, the local school board or the county election commission, as the case may be, shall take the following action:

(i) If the office of superintendent is an elected office, in those years in which there is no general election, the name shall be submitted by the State Board of Education to the county election commission, and the county election commission shall submit the question at a special election to the voters eligible to vote for the office of superintendent within the county, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Shall County Superintendent of Education _____ (here the name of the superintendent shall be inserted) of the _____ (here the title of the school district shall be inserted) be retained in office? Yes _____ No _____"

If a majority of those voting on the question votes against retaining the superintendent in office, a vacancy shall exist which shall be filled in the manner provided by law; otherwise, the superintendent shall remain in office for the term of that office, and at the expiration of the term shall be eligible for qualification and election to another term or terms.

(ii) If the office of superintendent is an appointive office, the name of the superintendent shall be submitted by the president of the local school board at the next regular meeting of the school board for retention in office or dismissal from office.-If a majority of the school board voting on the question vote against retaining the superintendent in office, a vacancy shall exist which shall be filled as provided by law, otherwise the superintendent shall remain in office for the duration of his employment contract.

(b) The State Board of Education may issue a written request with documentation to the Governor asking that the membership of the school board of the school district shall be subject to recall. Whenever the Governor declares that the membership of the school board is subject to recall, the county election commission or the local governing authorities, as the case may be, shall take the following action:

(i) If the members of the local school board are elected to office, in those years in which the specific member's office is not up for election, the name of the school board member shall be submitted by the State Board of Education to the county election commission, and the county election commission at a special election shall submit the question to the voters eligible to vote for the particular member's office within the county or school district, as the case may be, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Members of the _____ (here the title of the school district shall be inserted) School Board who are not up for election this year are subject to recall because of the school district's failure to meet critical accountability standards as defined in the letter of notification to the Governor from the State Board of Education. Shall the member of the school board representing this area, _____ (here the name of the school board member holding the office shall be inserted), be retained in office? Yes _____ No _____"

If a majority of those voting on the question vote against retaining the member of the school board in office, a vacancy in that board member's office shall exist, which shall be filled in the manner provided by law; otherwise, the school board member shall remain in office for the term of that office, and at the expiration of the term of office, the

member shall be eligible for qualification and election to another term or terms of office. However, if a majority of the school board members are recalled in the special election, the Governor shall authorize the board of supervisors of the county in which the school district is situated to appoint members to fill the offices of the members recalled. The board of supervisors shall make those appointments in the manner provided by law for filling vacancies on the school board, and the appointed members shall serve until the office is filled at the next regular special election or general election.

(ii) If the local school board is an appointed school board, the name of all school board members shall be submitted as a collective board by the president of the municipal or county governing authority, as the case may be, at the next regular meeting of the governing authority for retention in office or dismissal from office. If a majority of the governing authority voting on the question vote against retaining the board in office, a vacancy shall exist in each school board member's office, which shall be filled as provided by law; otherwise, the members of the appointed school board shall remain in office for the duration of their term of appointment, and those members may be reappointed.

(iii) If the local school board is comprised of both elected and appointed members, the elected members shall be subject to recall in the manner provided in subparagraph (i) of this subsection, and the appointed members shall be subject to recall in the manner provided in subparagraph (ii).

(* * *18) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the auditing of fixed assets records as a minimum requirement for accreditation.

(* * *19) Before December 1, 1999, the State Board of Education shall recommend a program to the Education Committees of the House of Representatives and the Senate for identifying and rewarding public schools that improve or are high performing. The program shall be described by the board in a written report, which shall include criteria and a process through which improving schools and high-performing schools will be identified and rewarded.

The State Superintendent of Public Education and the State Board of Education also shall develop a comprehensive accountability plan to ensure that local school boards, superintendents, principals and teachers are held accountable for student achievement. A written report on the accountability plan shall be submitted to the Education Committees of both houses of the Legislature before December 1, 1999, with any necessary legislative recommendations.

(* * *20) Before January 1, 2008, the State Board of Education shall evaluate and submit a recommendation to the Education Committees of the House of Representatives and the Senate on inclusion of graduation rate and dropout rate in the school level accountability system.

(* * *21) If a local school district is determined as failing and placed into conservatorship for reasons authorized by the provisions of this section, the conservator appointed to the district shall, within forty-five (45) days after being appointed, present a detailed and structured corrective action plan to move the local school district out of conservatorship status to the local school board and local superintendent of education if they have not been removed by the conservator, or if the board and superintendent have been removed, to the local governing authority of the municipality or county in which the school district under conservatorship is located. A copy of the conservator's corrective action plan shall also be filed with the State Board of Education.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2463

Description: Tourism Project Sales Tax Incentive Fund; increase maximum period of time that MDA may make payments from.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 558

History of Actions:

- | | | | |
|--------|-------|-----|--|
| 1 | 01/21 | (S) | Referred To Tourism; Finance |
| 2 | 01/28 | (S) | DR - TSDP: TO To FI |
| 3 | 02/05 | (S) | Title Suff Do Pass |
| 4 | 02/11 | (S) | Passed {Vote} |
| 5 | 02/12 | (S) | Transmitted To House |
| 6 | 02/21 | (H) | Referred To Tourism; Ways and Means |
| 7 | 02/27 | (H) | DR - TSDPAA: TO To WM |
| 8 | 03/05 | (H) | DR - TSDPAA: WM To TO |
| 9 | 03/05 | (H) | Title Suff Do Pass As Amended |
| 10 | 03/12 | (H) | Amended |
| 11 | 03/12 | (H) | Passed As Amended {Vote} |
| 12 | 03/13 | (H) | Returned For Concurrence |
| 13 | 03/19 | (S) | Decline to Concur/Invite Conf |
| 14 | 03/29 | (S) | Conferees Named Chassaniol, Gollott, Tindell |
| 15 | 03/29 | (H) | Conferees Named Martinson, Staples, Rogers |
| (61st) | | | |
| 16 | 04/01 | (S) | Conference Report Filed |
| 17 | 04/01 | (H) | Conference Report Filed |
| 18 | 04/02 | (H) | Recommitted For Further Conf |
| 19 | 04/02 | (S) | Recommitted For Further Conf |
| 20 | 04/02 | (H) | Conference Report Filed |
| 21 | 04/02 | (S) | Conference Report Filed |
| 22 | 04/03 | (H) | Conference Report Adopted {Vote} |
| 23 | 04/03 | (S) | Conference Report Adopted {Vote} |

24 04/08 (S) Enrolled Bill Signed
25 04/08 (H) Enrolled Bill Signed
26 04/25 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for Senate Bill No. 2463

Conference Reports:

| Conference Report

| Conference Report # 2

Code Section: A 057-0026-0003, A 057-0026-0001

----- Additional Information -----

Senate Committee: Tourism, Finance

House Committee: Tourism, Ways and Means

Principal Author: Chassaniol

Title: AN ACT TO AMEND SECTION 57-26-3, MISSISSIPPI CODE OF 1972, TO INCREASE TO 15 YEARS THE MAXIMUM PERIOD OF TIME THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY MAKE PAYMENTS FROM THE TOURISM PROJECT SALES TAX INCENTIVE FUND TO AN APPROVED PARTICIPANT IN THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM; TO AMEND SECTION 57-26-1, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2806, 2012 REGULAR SESSION, TO REVISE THE DEFINITION OF THE TERM "TOURISM PROJECT" FOR PURPOSES OF THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM TO INCLUDE CERTAIN TOURISM ATTRACTIONS LOCATED WITHIN HISTORIC DISTRICTS; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2463

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Tourism; Finance

By: Senator(s) Chassaniol

Senate Bill 2463

(As Sent to Governor)

AN ACT TO AMEND SECTION 57-26-3, MISSISSIPPI CODE OF 1972, TO INCREASE TO 15 YEARS THE MAXIMUM PERIOD OF TIME THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY MAKE PAYMENTS FROM THE TOURISM PROJECT SALES TAX INCENTIVE FUND TO AN APPROVED PARTICIPANT IN THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM; TO AMEND SECTION 57-26-1, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2806, 2012 REGULAR SESSION, TO REVISE THE DEFINITION OF THE TERM "TOURISM PROJECT" FOR PURPOSES OF THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM TO INCLUDE CERTAIN TOURISM ATTRACTIONS LOCATED WITHIN HISTORIC DISTRICTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-26-3, Mississippi Code of 1972, is amended as follows:

57-26-3. (1) (a) There is created in the State Treasury a special fund to be known as the "Tourism Project Sales Tax Incentive Fund," into which shall be deposited such money as provided in Section 27-65-75(16). The monies in the fund shall be used for the purpose of making the incentive payments authorized in this section. The fund shall be administered by the MDA. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on or investment earnings on the amounts in the fund shall be deposited to the credit of the fund. The MDA may use not more than one percent (1%) of interest earned or investment earnings, or both, on amounts in the fund for administration and management of the incentive program authorized under Sections 57-26-1 through 57-26-5.

(b) Subject to the provisions of this section, incentive payments may be made by the MDA to an approved participant that incurs approved project costs to locate a tourism project in the state. The payments to an approved participant shall be for eighty percent (80%) of the amount of sales tax revenue collected from the operation of the tourism project, after

making the diversions required in Section 27-65-75(7) and (8). The MDA shall make payments to an approved participant on a semiannual basis with payments being made in the months of January and July. The aggregate amount of incentive payments that an approved participant may receive shall not exceed thirty percent (30%) of the approved project costs incurred by the approved participant for the tourism project. Expansions, enlargements or additional investments made by an approved participant will not increase authorized incentive payments certified by the MDA. The MDA shall make the calculations necessary to make the payments provided for in this section. The MDA shall cease making incentive payments to an approved participant on the occurrence of the earlier of:

(i) The date that an aggregate amount of thirty percent (30%) of the approved project costs incurred by the approved participant for the tourism project has been paid to the approved participant; or

(ii) * * * Fifteen (15) years after the date the tourism project opens for commercial operation.

(2) At such time as incentive payments are no longer required to be made to an approved participant, the MDA shall notify the * * * Department of Revenue and the sales tax revenue collected from the tourism project shall no longer be deposited into the Tourism Project Sales Tax Incentive Fund. Any amounts remaining in the fund that were collected from such project shall be transferred to the State General Fund.

SECTION 2. Section 57-26-1, Mississippi Code of 1972, as amended by Senate Bill No. 2806, 2013 Regular Session, is amended as follows:

57-26-1. As used in Sections 57-26-1 through 57-26-5, the following terms and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Approved project costs" means actual costs incurred by an approved participant for land acquisition, construction, engineering, design and other costs approved by the Mississippi Development Authority relating to a tourism project; however, for the purposes of a tourism project described in paragraph (d)(iv) of this section, such costs include only those incurred after January 1, 2011, relating to the hotel portion of the project consisting of facilities used for lodging and common areas in that portion of the project. All costs must be

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verified by an independent third party approved by the MDA. An approved participant shall pay the costs for the third-party verification of costs. Approved project costs may not increase regardless of the actual costs incurred by the project.

(b) "Approved participant" means a person, corporation or other entity issued a certificate by the Mississippi Development Authority under Section 57-26-5.

(c) "MDA" means the Mississippi Development Authority.

(d) "Tourism project" shall include any of the following as may be approved by the MDA:

(i) Theme parks, water parks, entertainment parks or outdoor adventure parks, cultural or historical interpretive educational centers or museums, motor speedways, indoor or outdoor entertainment centers or complexes, convention centers, professional sports facilities, spas, attractions created around a natural phenomenon or scenic landscape and marinas open to the public with a minimum private investment of not less than Ten Million Dollars (\$10,000,000.00);

(ii) A hotel with a minimum private investment of Forty Million Dollars (\$40,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority, and having a minimum private investment of One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room which amount shall be included within the minimum private investment of Forty Million Dollars (\$40,000,000.00);

(iii) A public golf course with a minimum private investment of Ten Million Dollars (\$10,000,000.00);

(iv) A full service hotel with a minimum private investment of Fifteen Million Dollars (\$15,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority, and having a minimum private investment of Two Hundred Thousand Dollars (\$200,000.00) per guest room or suite which amount shall be included within the minimum private investment of Fifteen Million Dollars (\$15,000,000.00), a minimum of twenty-five (25) guest rooms or suites, and guest amenities such as restaurants, spas and other amenities as determined by the Mississippi Development Authority;

(v) A tourism attraction located within an "entertainment district" as defined in Section 17-29-3 that is open to the public, has seating to accommodate at least forty (40) persons, is open at least five (5) days per week from at least 6:00 p.m. until midnight, serves food and beverages, and provides live entertainment at least three (3) nights per week;

(vi) A cultural retail attraction * * *;

(vii) A tourism attraction located within a historic district where the district is listed in the National Register of Historic Places, where the tourism attraction is open to the public, has seating to accommodate at least forty (40) persons, is open at least five (5) days per week from at least 6:00 p.m. until midnight, serves food and beverages, and provides live entertainment at least three (3) nights per week.

The term "tourism project" does not include any licensed gaming establishment owned, leased or controlled by a business, corporation or entity having a gaming license issued under Section 75-76-1 et seq.; however, the term "tourism project" may include a project described in this paragraph (d) that is owned, leased or controlled by such a business, corporation or entity or in which the business, corporation or entity has a direct or indirect financial interest if the project is in excess of development that the State Gaming Commission requires for the issuance or renewal of a gaming license and is not part of a licensed gaming establishment in which gaming activities are conducted.

The term "tourism project" does not include any facility within the project whose primary business is retail sales or any expansions of existing projects; however, pro shops, souvenir shops, gift shops, concessions and similar retail activities, and cultural retail attractions may be included within the definition of the term "tourism project." In addition, retail activities, regardless of whether the primary business is retail sales, that are part of a resort development may be included within the definition of "tourism project."

(e) "Resort development" means a travel destination development with a minimum private investment of One Hundred Million Dollars (\$100,000,000.00) and which consists of (* * *i) a hotel with a minimum of two hundred (200) guest rooms or suites and having a minimum private investment of

2013 GENERAL LAWS OF MISSISSIPPI SB 2463

Two Hundred Thousand Dollars (\$200,000.00) per guest room or suite, and (* * *ii) guest amenities such as restaurants, golf courses, spas, fitness facilities, entertainment activities and other amenities as determined by the MDA. Not more than an amount equal to forty percent (40%) of the private investment required by this paragraph may be expended on facilities to house retail activity.

(f) "Cultural retail attraction" means a project which combines destination shopping with cultural or historical interpretive elements specific to Mississippi with a minimum private investment of Fifty Million Dollars (\$50,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority and which:

(i) Is located in a qualified resort area as defined in Section 67-1-5;

(ii) Is a part of a master-planned development with a total investment of not less than One Hundred Million Dollars (\$100,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority;

(iii) Has a minimum of fifty (50) retail tenants with a minimum of three hundred thousand (300,000) square feet of heated and cooled space; and

(iv) Has a minimum investment of One Million Dollars (\$1,000,000.00) in one or more of the following:

1. Art created by Mississippi artists or portraying themes specific to Mississippi;

2. Memorabilia, signage or historical markers which serve to promote the State of Mississippi;

3. Audio/visual equipment used to showcase Mississippi artists;

4. A minimum of one thousand two hundred and fifty (1,250) square feet of heated and cooled space available to the Mississippi Development Authority or its assignee for a period of not less than ten (10) years.

(g) "Retail activity" means businesses whose inventory consists primarily of upscale name brands or their equivalent as determined by the MDA.

(h) "State" means the State of Mississippi.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2564

Description: Energy Infrastructure Revolving Loan Program; revise.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 534

History of Actions:

- 1 01/21 (S) Referred To Energy; Finance
- 2 02/04 (S) DR - TSDPCS: EN To FI
- 3 02/05 (S) Title Suff Do Pass Comm Sub
- 4 02/06 (S) Committee Substitute Adopted
- 5 02/06 (S) Passed {Vote}
- 6 02/07 (S) Transmitted To House
- 7 02/21 (H) Referred To Energy
- 8 02/27 (H) Title Suff Do Pass As Amended
- 9 03/01 (H) Amended
- 10 03/01 (H) Passed As Amended {Vote}
- 11 03/04 (H) Returned For Concurrence
- 12 03/15 (S) Decline to Concur/Invite Conf
- 13 03/25 (S) Conferees Named Burton, Ward, Butler (38th)
- 14 03/27 (H) Conferees Named

Cockerham, Staples, Middleton

- 15 04/01 (H) Conference Report Filed
- 16 04/01 (S) Conference Report Filed
- 17 04/02 (H) Conference Report Adopted {Vote}
- 18 04/02 (S) Conference Report Adopted {Vote}
- 19 04/05 (S) Enrolled Bill Signed
- 20 04/05 (H) Enrolled Bill Signed
- 21 04/24 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2564

Conference Reports:

| Conference Report

Code Section: A 057-0040-0001, A 057-0040-0003, A 057-0040-0005, A 057-0040-0007

----- **Additional Information** -----

Senate Committee: Energy, Finance

House Committee: Energy

Principal Author: Burton

Title: AN ACT TO AMEND SECTION 57-40-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PROJECT" AS USED IN THE ENERGY INFRASTRUCTURE REVOLVING LOAN PROGRAM; TO AMEND SECTION 57-40-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE FUND MAY BE USED TO ASSIST ENERGY-PROVIDING UTILITIES; TO AMEND SECTIONS 57-40-5 AND 57-40-7, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2564

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Energy; Finance

By: Senator(s) Burton

Senate Bill 2564

(As Sent to Governor)

AN ACT TO AMEND SECTION 57-40-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PROJECT" AS USED IN THE ENERGY INFRASTRUCTURE REVOLVING LOAN PROGRAM; TO AMEND SECTION 57-40-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE FUND MAY BE USED TO ASSIST ENERGY-PROVIDING UTILITIES; TO AMEND SECTIONS 57-40-5 AND 57-40-7, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-40-1, Mississippi Code of 1972, is amended as follows:

57-40-1.* * * As used in this chapter:

(a) "Project" means a facility constructed after * * * July 1, 2012, * * * with a capital investment from private sources of not less than * * * Fifty Million Dollars (\$50,000,000.00).

(b) "MDA" means the Mississippi Development Authority.

SECTION 2. Section 57-40-3, Mississippi Code of 1972, is amended as follows:

57-40-3. There is established an energy infrastructure revolving loan program to be administered by the MDA for the purpose of assisting counties and municipalities in:

(a) Constructing, repairing or improving infrastructure related to a project, including, but not limited to, making a contribution in aid of construction to an energy-providing utility or cooperative for its constructing, repairing, improving and owning such infrastructure;

(b) Site preparation related to a project on property owned by a county or municipality; and

(c) Site preparation on property owned by the enterprise owning or operating a project.

SECTION 3. Section 57-40-5, Mississippi Code of 1972, is amended as follows:

57-40-5. (1) There is created a special fund in the State Treasury to be designated as the "Energy Infrastructure Revolving Loan Fund," which shall consist of such money authorized to be deposited into such fund from any source. The fund shall be maintained in perpetuity for the purposes established in this chapter. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Money in the fund may not be used or expended for any purpose except as authorized under this chapter.

(2) A county or an incorporated municipality may apply to the MDA for a loan under the energy infrastructure revolving loan program established under this chapter.

(3) (a) The MDA shall establish a loan program by which loans, at the rate of interest set by the MDA, may be made available to counties and incorporated municipalities * * *

for the purposes provided in Section 57-40-3.

(b) Loans from the revolving fund may be made to counties and municipalities as set forth in a loan agreement in amounts not to exceed one hundred percent (100%) of eligible costs as established by the MDA. The MDA may require county * * *, municipal or private participation or funding from other sources, or otherwise limit the percentage of costs covered by loans from the revolving loan fund. The MDA may establish a maximum amount for any loan. Loan repayments shall be deposited into the revolving loan fund.

(4) A county that receives a loan from the revolving fund shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77. An incorporated municipality that receives a loan from the revolving fund shall pledge for repayment of the loan any part of the sales tax revenue distribution to which it may be entitled under Section 27-65-75. Each loan agreement shall provide for (i) monthly payments, (ii) semiannual payments, or (iii) other periodic payments. The loan agreement shall provide for the

repayment of all funds received within not more than twenty (20) years from the date of project completion.

(5) Prior to the execution of a loan agreement, relevant parties to the project shall enter into an agreement, in a manner acceptable to MDA, that stipulates the terms of the energy infrastructure investment and responsibilities among parties.

(* * *6) The State Auditor, upon request of the MDA, shall audit the receipts and expenditures of a county or an incorporated municipality whose loan payments appear to be in arrears, and if he finds that the * * * entity is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the MDA.

(* * *7) Evidences of indebtedness which are issued pursuant to this chapter shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

SECTION 4. Section 57-40-7, Mississippi Code of 1972, is amended as follows:

57-40-7. In administering the provisions of this chapter, the MDA shall have the following powers and duties:

(a) To supervise the use of all funds made available under this chapter for * * * infrastructure improvements;

(b) To review and certify all projects for which funds are authorized to be made available under this chapter;

(c) To requisition money in the Energy Infrastructure Revolving Loan Fund and distribute that money on a project-by-project basis in accordance with the provisions of this chapter;

(d) To maintain an accurate record of all energy infrastructure revolving loan program funds made available to counties and municipalities and the costs for each project; and

(e) To adopt and promulgate such rules and regulations as may be necessary or desirable for the purpose of implementing the provisions of this chapter.

SECTION 5. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2625

Description: Public officers and employees; revise punishment for embezzlement and restrict government hiring of felons.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 528

History of Actions:

- | | | | |
|--------|-------|-----|--|
| 1 | 01/21 | (S) | Referred To Judiciary, Division B |
| 2 | 02/05 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/13 | (S) | Committee Substitute Adopted |
| 4 | 02/13 | (S) | Passed {Vote} |
| 5 | 02/14 | (S) | Transmitted To House |
| 6 | 02/21 | (H) | Referred To Judiciary B |
| 7 | 03/04 | (H) | Title Suff Do Pass As Amended |
| 8 | 03/05 | (H) | Read the Third Time |
| 9 | 03/13 | (H) | Point of Order Raised |
| 10 | 03/13 | (H) | Set Aside-Pend Ruling of Chair |
| 11 | 03/13 | (H) | Amendment Ruled Improper |
| 12 | 03/13 | (H) | Amended |
| 13 | 03/13 | (H) | Passed As Amended {Vote} |
| 14 | 03/18 | (H) | Returned For Concurrence |
| 15 | 03/19 | (S) | Decline to Concur/Invite Conf |
| 16 | 03/29 | (S) | Conferees Named Bryan,Tollison,Simmons |
| (12th) | | | |
| 17 | 03/30 | (H) | Conferees Named DeBar,Gipson,Buck (72nd) |
| 18 | 04/01 | (H) | Conference Report Filed |
| 19 | 04/01 | (S) | Conference Report Filed |
| 20 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 21 | 04/03 | (S) | Conference Report Adopted {Vote} |
| 22 | 04/05 | (S) | Enrolled Bill Signed |
| 23 | 04/08 | (H) | Enrolled Bill Signed |

24 04/24 Approved by Governor

Amendments:

[H] Committee Amendment No 1 Improper

[H] Amendment No 2 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2625

Conference Reports:

Conference Report

----- Additional Information -----

Senate Committee: Judiciary, Division B

House Committee: Judiciary B

Principal Author: Longwitz

Additional Authors: McDaniel, Hill, Watson, Frazier, Horhn, Jackson (11th), Jones, Jordan, Simmons (13th)

Title: AN ACT TO CREATE NEW SECTION 25-1-111, MISSISSIPPI CODE OF 1972, TO PROHIBIT FUTURE HIRING OF CONVICTED EMBEZZLERS FOR PUBLIC EMPLOYMENT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2625

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division B

By: Senator(s) Longwitz, McDaniel, Hill, Watson, Frazier,
Horhn, Jackson (11th), Jones, Jordan, Simmons (13th)

Senate Bill 2625

(As Sent to Governor)

AN ACT TO CREATE NEW SECTION 25-1-111, MISSISSIPPI CODE OF 1972, TO PROHIBIT FUTURE HIRING OF CONVICTED EMBEZZLERS FOR PUBLIC EMPLOYMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 25-1-111, Mississippi Code of 1972:

25-1-111. From and after July 1, 2013, the state and any county, municipality or any other political subdivision may not employ a person who has been convicted or pled guilty in any court of this state, another state, or in federal court of any felony in which public funds were unlawfully taken, obtained or misappropriated in the abuse or misuse of the person's office or employment or money coming into the person's hands by virtue of the person's office or employment.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2637

Description: School district consolidation; require in Clay County.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: VRA

Chapter Number: 568

History of Actions:

- 1 01/21 (S) Referred To Education
- 2 01/29 (S) Title Suff Do Pass Comm Sub
- 3 02/13 (S) Committee Substitute Adopted
- 4 02/13 (S) Amended
- 5 02/13 (S) Passed As Amended {Vote}
- 6 02/14 (S) Motion to Reconsider Entered
- 7 02/15 (S) Reconsidered
- 8 02/15 (S) Amended
- 9 02/15 (S) Passed As Amended {Vote}
- 10 02/19 (S) Transmitted To House
- 11 02/21 (H) Referred To Education
- 12 03/05 (H) Title Suff Do Pass As Amended
- 13 03/12 (H) Amended
- 14 03/12 (H) Passed As Amended {Vote}
- 15 03/12 (H) Motion to Reconsider Entered (Barker,
Moore, Clarke, Ellis)
- 16 03/13 (H) Motion to Reconsider Tabled
- 17 03/15 (H) Returned For Concurrence
- 18 03/20 (S) Decline to Concur/Invite Conf
- 19 03/25 (S) Conferees Named Tollison, Collins, Polk
- 20 03/27 (H) Conferees Named Moore, Barker, Chism
- 21 04/01 (S) Conference Report Filed
- 22 04/01 (H) Conference Report Filed
- 23 04/02 (S) Conference Report Adopted {Vote}
- 24 04/03 (H) Conference Report Adopted {Vote}

2013 GENERAL LAWS OF MISSISSIPPI SB 2637

25 04/08 (S) Enrolled Bill Signed
26 04/08 (H) Enrolled Bill Signed
27 04/25 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)*Adopted* Voice Vote
[S] Amendment No 2 (Cmte Sub)*Adopted* Voice Vote
[H] Committee Amendment No 1 *Adopted* Voice Vote
[H] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for Senate Bill No. 2637

Conference Reports:

| Conference Report

Code Section: A 037-0007-0103

----- **Additional Information** -----

Senate Committee: Education

House Committee: Education

Principal Author: Tollison

Title: AN ACT TO PROVIDE THAT IN CLAY COUNTY THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE DESIGNATED AS WEST POINT CONSOLIDATED SCHOOL DISTRICT; TO AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND PROMULGATE A CONSOLIDATION ORDER FOR THE SCHOOL DISTRICTS IN THE COUNTY UNDER CERTAIN STANDARDS; TO PROVIDE FOR THE SELECTION OF THE NEW BOARD OF TRUSTEES OF THE WEST POINT CONSOLIDATED SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL BOARDS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS IN THE NEW SCHOOL DISTRICT AND TO PROVIDE FOR THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM ACCOUNTABILITY AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW STUDENT POPULATION; TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2637

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education

By: Senator(s) Tollison

Senate Bill 2637
(As Sent to Governor)

AN ACT TO PROVIDE THAT IN CLAY COUNTY THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE DESIGNATED AS WEST POINT CONSOLIDATED SCHOOL DISTRICT; TO AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND PROMULGATE A CONSOLIDATION ORDER FOR THE SCHOOL DISTRICTS IN THE COUNTY UNDER CERTAIN STANDARDS; TO PROVIDE FOR THE SELECTION OF THE NEW BOARD OF TRUSTEES OF THE WEST POINT CONSOLIDATED SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL BOARDS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS IN THE NEW SCHOOL DISTRICT AND TO PROVIDE FOR THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM ACCOUNTABILITY AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW STUDENT POPULATION; TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) In Clay County, Mississippi, in which are located, as of January 1, 2013, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new consolidated school district to be designated as West Point Consolidated School District which shall consist of the territory of the former Clay County School District and the West Point School District. The central administrative office of the West Point Consolidated School District shall be located in West Point, Mississippi.

(2) On or before September 1, 2013, the State Board of Education shall serve the local school boards in Clay County with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of the school districts in the county on or before July 1, 2015. In the new West Point Consolidated School District, there shall be a new board of trustees comprised of five (5) members selected as follows: (a) the Mayor and Board of Aldermen of the City of West Point shall appoint three (3) of the five (5) members, each to be selected for a term of four (4) years; and (b) two (2) members to be elected for a term of four (4) years by the electors of Clay County residing outside of the West Point corporate limits who shall be residents of that territory and who shall be elected in a November 2014 special election which shall be called by the Governor for that purpose. All subsequent members of the board elected from the territory outside of the West Point corporate limits shall be elected for a term of four (4) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective member or members. All elected and appointed members shall take office on the first Monday of January following the date of their election or appointment. The State Board of Education, with the assistance of the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER), shall apportion the territory of the new consolidated school district located outside the West Point corporate limits into two (2) new single member board of trustee election districts. The State Board of Education shall thereafter publish the same in some newspaper of general circulation in the county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school boards of each school district in the county, the new district lines will thereafter be effective for the November 2014 special election. Any school board member of the former school districts residing in the proper territory shall be eligible for appointment or election to the new Board of Trustees for West Point Consolidated School District.

Any school district affected by the required administrative consolidation in Clay County that does not voluntarily consolidate as ordered by the State Board of Education shall be

administratively consolidated by the State Board of Education, to be effective on July 1 following the election of the new local school board. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) consolidated school district by July 1 following the selection of the new board of trustees. The affected school districts shall comply with any consolidation order issued by the State Board of Education on or before July 1 following the selection of the new school boards.

(3) On July 1 following the selection of the new Board of Trustees of the West Point Consolidated School District, the former county board of education and the former Board of Trustees of the West Point School District shall be abolished. All real and personal property which is owned or titled in the name of a school district located in such former school district shall be transferred to the new reorganized school district of West Point Consolidated School District in which such former school district is located. Each former school board shall be responsible for establishing the contracts for teachers and principals for the next school year following the required administrative consolidation with the consultation of the newly elected successor school board. The new Board of Trustees for the West Point Consolidated School District shall appoint the Superintendent of Schools for the school district. The Superintendent of Schools for the West Point Consolidated School District may appoint assistant superintendent(s) of schools for the district, but in no instance shall the administrative leadership of the West Point Consolidated School District exceed the number of assistant superintendents employed in the former West Point School District. The subsequent superintendent of schools of the reorganized school district shall not be elected, but shall thereafter be appointed by the successor board of trustees in the manner provided in Section 37-9-25. It shall be the responsibility of the successor board of trustees to prepare and approve the budget of the new reorganized district, and the successor board of trustees may use staff from the former school districts to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school

district in the county, shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation. Any person or school district aggrieved by an order of the successor newly selected Board of Trustees of the West Point Consolidated School District pursuant to the required administrative consolidation may appeal therefrom within ten (10) days from the date of the adjournment of the meeting at which such order is entered. Said appeal shall be taken in the same manner as appeals are taken from judgments or decisions of the board of supervisors as provided in Section 11-51-75, Mississippi Code of 1972, the provisions of which shall be fully applicable to appeals taken hereunder. The Board of Trustees of the West Point Consolidated School District shall not pass upon or approve or disapprove any such order until the time for an appeal therefrom shall have expired, nor shall said board pass upon or approve or disapprove any such order from which an appeal is taken until said appeal shall have been finally determined.

(4) When any school district in the county is abolished under the provisions of this section, the abolition thereof shall not impair or release the property of that former school district from liability for the payment of the bonds or other indebtedness of such district.

(5) Nothing in this section shall be construed to require the closing of any school or school facility, unless the facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section. All administrative consolidations under this section shall be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county pursuant to court order.

(6) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Clay County pursuant to this section. The consolidated districts shall make an election within one (1) year of consolidation concerning the group term life insurance described in subsection (7) of Section 25-15-9. When the orders of the State Board of Education adopting the boundaries of the successor board of trustees election districts have been entered and are final, as directed by the State Board of Education, the new district lines shall be submitted by the State Board of Education with the assistance

of the Attorney General to the Attorney General of the United States for preclearance or to the United States District Court for the District of Columbia for a declaratory judgment in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended. In the event the change in the school district lines and election districts are precleared or approved, the State Board of Education shall formally declare the new lines as the new boundaries of the successor school district.

(7) For the initial two (2) years following the administrative consolidation required by this section, the State Department of Education may grant a waiver of accountability and state assessment requirements to the West Point Consolidated School District for the student population enrolled therein from the former Clay County School District when determining the new consolidated school district accreditation level on the performance and accountability rating model.

SECTION 2. Section 37-7-103, Mississippi Code of 1972, is amended as follows:

37-7-103. From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104* * * or Section 1 of this act shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

SECTION 3. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in

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accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 4. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2658

Description: Mississippi Education Works Program; enact education reforms.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 494

History of Actions:

- | | | | |
|-------------------------------|-------|-----|---------------------------------------|
| 1 | 01/21 | (S) | Referred To Education; Appropriations |
| 2 | 01/31 | (S) | DR - TSDPCS: ED To AP |
| 3 | 02/05 | (S) | Title Suff Do Pass Comm Sub |
| 4 | 02/12 | (S) | Committee Substitute Adopted |
| 5 | 02/12 | (S) | Amended |
| 6 | 02/12 | (S) | Passed As Amended {Vote} |
| 7 | 02/12 | (S) | Immediate Release |
| 8 | 02/12 | (S) | Transmitted To House |
| 9 | 02/21 | (H) | Referred To Education; Appropriations |
| 10 | 02/27 | (H) | DR - TSDPAA: ED To AP |
| 11 | 03/05 | (H) | DR - TSDPAA: AP To ED |
| 12 | 03/05 | (H) | Title Suff Do Pass As Amended |
| 13 | 03/05 | (H) | Read the Third Time |
| 14 | 03/11 | (H) | Amended |
| 15 | 03/11 | (H) | Passed As Amended {Vote} |
| 16 | 03/13 | (H) | Returned For Concurrence |
| 17 | 03/20 | (S) | Decline to Concur/Invite Conf |
| 18 | 03/25 | (S) | Conferees Named |
| Tollison, Collins, Carmichael | | | |
| 19 | 03/27 | (H) | Conferees Named Moore, Mayo, Currie |
| 20 | 04/01 | (S) | Conference Report Filed |
| 21 | 04/01 | (H) | Conference Report Filed |
| 22 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 23 | 04/03 | (S) | Conference Report Adopted {Vote} |
| 24 | 04/08 | (S) | Enrolled Bill Signed |

2013 GENERAL LAWS OF MISSISSIPPI SB 2658

25 04/08 (H) Enrolled Bill Signed

26 04/18 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted* Voice Vote

[S] Amendment No 2 (Cmte Sub) Lost Voice Vote

[H] Committee Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 2 to Committee Amendment No 1 Withdrawn

[H] Amendment No 3 to Committee Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 4 to Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2658

Conference Reports:

| Conference Report

Code Section: A 037-0016-0007, A 037-0003-0053, A 037-0018-0001, A 037-0019-0007

----- Additional Information -----

Senate Committee: Education, Appropriations

House Committee: Education, Appropriations

Principal Author: Tollison

Additional Authors: Burton, Collins, Harkins, Hill, McDaniel, Moran, Sojourner, Tindell, Ward, Watson

Title: AN ACT CREATING THE MISSISSIPPI EDUCATION WORKS PROGRAM; TO AMEND SECTION 37-16-7, MISSISSIPPI CODE OF 1972, TO DIRECT HIGH SCHOOLS WITH GRADUATION RATES LOWER THAN 80% TO SUBMIT A PLAN TO THE STATE DEPARTMENT OF EDUCATION FOR RESTRUCTURE; TO CREATE THE TEACHER EDUCATION SCHOLARS PROGRAM AND ESTABLISH ELIGIBILITY CRITERIA AND FUNDING; TO ESTABLISH A PILOT SYSTEM IN CERTAIN SCHOOL DISTRICTS FOR EVALUATING THE PERFORMANCE OF TEACHERS AND ADMINISTRATION FOR THE PURPOSE OF AWARDING PERFORMANCE-BASED COMPENSATION; TO AMEND SECTIONS 37-3-53, 37-18-1 AND 37-19-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2658

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education; Appropriations

By: Senator(s) Tollison, Burton, Collins, Harkins, Hill,
McDaniel, Mořan, Sojourner, Tindell, Ward, Watson

Senate Bill 2658

(As Sent to Governor)

AN ACT CREATING THE MISSISSIPPI EDUCATION WORKS PROGRAM; TO AMEND SECTION 37-16-7, MISSISSIPPI CODE OF 1972, TO DIRECT HIGH SCHOOLS WITH GRADUATION RATES LOWER THAN 80% TO SUBMIT A PLAN TO THE STATE DEPARTMENT OF EDUCATION FOR RESTRUCTURE; TO CREATE THE TEACHER EDUCATION SCHOLARS PROGRAM AND ESTABLISH ELIGIBILITY CRITERIA AND FUNDING; TO ESTABLISH A PILOT SYSTEM IN CERTAIN SCHOOL DISTRICTS FOR EVALUATING THE PERFORMANCE OF TEACHERS AND ADMINISTRATION FOR THE PURPOSE OF AWARDING PERFORMANCE-BASED COMPENSATION; TO AMEND SECTIONS 37-3-53, 37-18-1 AND 37-19-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Mississippi Education Works Program."

SECTION 2. Section 37-16-7, Mississippi Code of 1972, is amended as follows:

37-16-7. (1) Each district school board shall establish standards for graduation from its schools which shall include as a minimum:

(a) Mastery of minimum academic skills as measured by assessments developed and administered by the State Board of Education.

(b) Completion of a minimum number of academic credits, and all other applicable requirements prescribed by the district school board.

(c) By school, information on high school graduation rates. High schools with graduation rates lower than eighty percent (80%) must submit a detailed plan to the Mississippi Department of Education to restructure the high school experience to improve graduation rates.

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(2) A student who meets all requirements prescribed in subsection (1) of this section shall be awarded a standard diploma in a form prescribed by the State Board of Education.

(3) The State Board of Education may establish student proficiency standards for promotion to grade levels leading to graduation.

SECTION 3 Teacher Education Scholars Program. (1) There is created the Teacher Education Scholars Program administered by the Board of Trustees of State Institutions of Higher Learning. The program shall provide an annual scholarship not to exceed Fifteen Thousand Dollars (\$15,000.00) for each approved teacher education scholar who is enrolled in one of Mississippi's public or private universities in the junior year and is admitted into a teacher education program. Additionally, the program shall provide an annual scholarship not to exceed Fifteen Thousand Dollars (\$15,000.00) for each approved teacher education scholar who is enrolled in one (1) of Mississippi's public or private universities in the freshman year and intends to enter into a teacher education program.

(2) Qualifying teacher education scholars must hold a minimum 28 ACT score and a 3.5 GPA.

(3) A student may receive a scholarship from the program for four (4) consecutive years if the student remains enrolled full time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education.

(4) (a) If a teacher education scholar graduates and is employed as a teacher by a Mississippi district school board, the scholar is not required to repay the scholarship amount so long as the scholar teaches in a Mississippi public school. The entire scholarship amount shall be forgiven if the scholar remains employed as a Mississippi public school teacher for five (5) years.

(b) Any teacher who enters the education scholar program and graduates, and is employed as a teacher by a Mississippi public school board, in a school rated as "D" or "F", in addition to being exempt from the repayment of loan requirement while employed as a Mississippi public school teacher, such teacher education scholar shall also receive an annual salary supplement of Six Thousand Dollars (\$6,000.00) for each year the scholar remains in the "D" or "F" school, up to a maximum

of five (5) years. Each scholar employed in a Mississippi public school under the provisions of this paragraph shall endeavor, within the five-year period of initial employment, to fulfill the necessary requirements to acquire a Master Teacher certificate from the National Board of Professional Teaching Standards, at which time the scholar shall be eligible to receive an annual salary supplement for such National Board Certified teachers under the provisions of Section 37-19-7(2) (a)(i). However, if any teacher education scholar graduate receiving an annual salary supplement provided for in this paragraph (b) shall complete the certification requirements to become a National Board Certified teacher within the five-year period of eligibility for salary supplementation, that teacher shall be entitled to only the annual salary supplement provided for such National Board Certified teachers, such that the teacher receives only one (1) annual salary supplement of Six Thousand Dollars (\$6,000.00).

(5) If a teacher education scholar does not graduate, or if the scholar graduates but does not teach in a Mississippi public school, the scholar must repay the total amount awarded, plus annual interest at a rate to be determined by the Board of Trustees of State Institutions of Higher Learning.

(a) Interest begins accruing the first day of the thirteenth month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated. Interest does not accrue during any period of deferment or eligible teaching service.

(b) The repayment period begins the first day of the thirteenth month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated.

(c) The terms and conditions of the scholarship repayment must be contained in a promissory note and a repayment schedule. The loan must be paid within ten (10) years after the date of graduation or termination of full-time enrollment, including any periods of deferment. A shorter repayment period maybe granted. The minimum monthly repayment is Fifty Dollars (\$50.00) or the unpaid balance, unless otherwise approved, except that the monthly payment may not be less than the

accruing interest. The recipient may prepay any part of the scholarship without penalty.

(d) The holder of the promissory note may grant a deferment of repayment for a recipient who is a full-time student, who is unable to secure a teaching position that would qualify as repayment, who becomes disabled, or who experiences other hardships. Such a deferment may be granted for a total of twenty-four (24) months.

(e) If a student defaults on the scholarship, the entire unpaid balance, including interest accrued, becomes due and payable at the option of the holder of the promissory note, or when the recipient is no longer able to pay or no longer intends to pay. The recipient is responsible for paying all reasonable attorney's fees and other costs and charges necessary for administration of the collection process.

(6) The Board of Trustees of State Institutions of Higher Learning shall promulgate such rules as are necessary to administer the teacher education scholars program and establish necessary eligibility criteria not specifically set forth in this section.

SECTION 4. Performance-Based compensation systems. (1)

There is established a Pilot-Performance-Based Compensation System for school years 2013-2015.

(a) Beginning with the 2013-2014 school year, a pilot study will be conducted in Lamar County, Clarksdale, Gulfport and Rankin County School Districts as outlined in subsection (2) of this section. Measures of effective instruction, instrumentation, student learning growth and performance evaluation results will be collected. Reporting data from the pilot study will be disseminated to all school districts.

(b) The results of the pilot study in the four (4) districts in combination with Teacher Improvement Fund (TIF), School Improvement Grant (SIG), and Appalachian Regional Commission (ARC) Districts will be collected and analyzed by the Mississippi State University Research and Curriculum Unit and reported to the Department of Education for policy recommendations.

Effective with the 2014-2015 school year, the school districts participating in the Pilot Performance-Based Compensation System pursuant to this section may award additional teacher and administrator pay based thereon.

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(c) Beginning with the 2015-2016 school year, the Department of Education will develop proposed legislation based on pilot results for statewide implementation of a Performance-Based Compensation System.

(d) Recommended legislation will be reported to the Chairs of the House and Senate Education Committees and the Governor by November 30, 2015, for consideration during the 2016 Regular Session of the Legislature.

(2) The statewide performance compensation system for instructional personnel and school administrators must:

(a) Contain a qualitative measure of teacher effectiveness, a quantitative measure of student performance and a quantitative measure of student learning growth.

(b) Be designed by districts to support achievement of district goals in line with realization of the district's vision.

(c) Include individual, school and district achievement goals and measures.

(d) Be designed to support effective instruction and student learning growth and use performance evaluation results when developing district and school level improvement plans.

(e) Provide appropriate instruments, procedures and criteria for continuous quality improvement of the professional skills of instructional personnel and school administrators and use performance evaluation results when identifying professional development.

(f) Include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input into employee performance evaluations when appropriate.

(g) Identify those teaching fields for which special evaluation procedures and criteria are necessary.

(h) Differentiate among four (4) levels of performance as follows:

(i) Highly effective.

(ii) Effective.

(iii) Needs improvement or, for instructional personnel in the first three (3) years of employment who need improvement, developing.

(iv) Unsatisfactory.

(i) Provide for training programs that are based upon guidelines provided by the department to ensure that all individuals with evaluation responsibilities understand the proper use of the evaluation criteria and procedures.

(j) Include a process for monitoring and evaluating the effective and consistent use of the evaluation criteria by employees with evaluation responsibilities.

(k) Include a process for monitoring and evaluating the effectiveness of the system itself in improving instruction and student learning. In addition, each district school board may establish a peer assistance process. This process may be a part of the regular evaluation system or used to assist employees placed on performance probation, newly hired classroom teachers, or employees who request assistance.

SECTION 5. Section 37-3-53, Mississippi Code of 1972, is amended as follows:

37-3-53. (1) (a) Each school year, the State Board of Education, acting through the Office of Educational Accountability, shall develop a public school reporting system, or "Mississippi Report Card," on the performance of students and schools at the local, district and state level. In developing the report card, the Office of Educational Accountability shall collect school, district and state level student achievement data in the appropriate grades as designated by the State Board of Education in all core subjects, and compare the data with national standards to identify students' strengths and weaknesses. The Mississippi Report Card shall provide more than reports to parents on the level at which their children are performing; the report shall provide clear and comparable public information on the level at which schools, school districts and the state public education system are performing. The Office of Educational Accountability shall encourage local school districts and the general public to use Mississippi Report Card information along with local individual student data to assess the quality of instructional programs and the performance of schools and to plan and implement programs of instructional improvement.

(b) Beginning with the 1998-1999 school year, the Mississippi Report Card shall include information, as compiled by the Office of Compulsory School Attendance Enforcement,

which demonstrates clearly the absenteeism and dropout rates in each school district and the state and whether those rates reflect a positive or negative change from the same information as reported in the previous year's Mississippi Report Card.

(c) Each local school district shall be required to develop and publish an annual report as prescribed by the State Board of Education. By November 1 of each year, as prescribed by the State Board of Education, the report shall be published in a newspaper having general circulation in the county and posted on the school district's website in a printable format. The public notice shall include information on the report's availability on the district's website, with the website address, and the location(s) in the school district where a copy of the report can be obtained.

(2) The State Department of Education may benefit from the use of performance data from the Mississippi Report Card in making evaluations under Section 4 of this act.

SECTION 6. Section 37-18-1, Mississippi Code of 1972, is amended as follows:

37-18-1. (1) The State Board of Education shall establish, design and implement a Superior-Performing Schools Program and an Exemplary Schools Program for identifying and rewarding public schools that improve. The State Board of Education shall develop rules and regulations for the program, establish criteria and establish a process through which Superior-Performing and Exemplary Schools will be identified and rewarded. Upon full implementation of the statewide testing program, Superior-Performing, Exemplary or School At-Risk designation shall be made by the State Board of Education in accordance with the following:

(a) A growth expectation will be established by testing students annually and, using a psychometrically approved formula, by tracking their progress. This growth expectation will result in a composite score each year for each school.

(b) A determination will be made as to the percentage of students proficient in each school. This measurement will define what a student must know in order to be deemed proficient at each grade level and will clearly show how well a student is performing. The definition of proficiency shall be developed for each grade, based on a demonstrated range of performance in relation to content as reflected in the Mississippi Curriculum

Frameworks. This range of performance must be established through a formal procedure including educators, parents, community leaders and other stakeholders.

(c) A school has the following two (2) methods for designation as either a Superior-Performing or an Exemplary School, to be determined on an annual basis:

(i) A school exceeds its growth expectation by a percentage established by the State Board of Education; or

(ii) A school achieves the grade level proficiency standard established by the State Board of Education.

Any school designated as a School At-Risk which exceeds its growth expectation by a percentage established by the State Board of Education shall no longer be considered a School At-Risk and shall be eligible for monetary awards under this section.

(2) Superior-Performing and Exemplary Schools may apply to the State Board of Education for monetary incentives to be used for selected school needs, as identified by a vote of all licensed and instructional personnel employed at the school. These incentive funds may be used for specific school needs, including, but not limited to:

(a) Funding for professional development activities. Staff participating in such activities will report to the school and school district about the benefits and lessons learned from such training;

(b) Technology needs;

(c) Sabbaticals for teachers or administrators, or both, to pursue additional professional development or educational enrichment;

(d) Paid professional leave;

(e) Training for parents, including, but not limited to, the following:

(i) Curriculum;

(ii) Chapter 1;

(iii) Special need students;

(iv) Student rights and responsibility;

(v) School and community relations;

(vi) Effective parenting.

All funds awarded under this subsection shall be subject to specific appropriation therefor by the Legislature.

(3) The State Board of Education shall provide special recognition to all schools receiving Superior-Performing or Exemplary designation and their school districts. Examples of such recognition include, but are not limited to: public announcements and events; special recognition of student progress and effort; certificates of recognition and plaques for teachers, principals, superintendents, support and classified personnel and parents; and media announcements utilizing the services of Mississippi Educational Television.

(4) The State Department of Education may benefit from the use of growth expectation measurements under this section in making evaluations under Section 4 of this act.

SECTION 7. Section 37-19-7, Mississippi Code of 1972, is amended as follows:

37-19-7. (1) This section shall be known and may be cited as the Mississippi "Teacher Opportunity Program (TOP)." The allowance in the Mississippi Adequate Education Program for teachers' salaries in each county and separate school district shall be determined and paid in accordance with the scale for teachers' salaries as provided in this subsection. For teachers holding the following types of licenses or the equivalent as determined by the State Board of Education, and the following number of years of teaching experience, the scale shall be as follows:

2007-2008 School Year and School Years Thereafter

Less Than 25 Years of Teaching Experience

AAAA.....	\$ 35,020.00
AAA.....	\$ 33,990.00
AA.....	\$ 32,960.00
A.....	\$ 30,900.00

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25 or More Years of Teaching Experience

AAAA.....	\$ 37,080.00
AAA.....	\$ 36,050.00
AA.....	\$ 35,020.00
A.....	\$ 32,960.00

The State Board of Education shall revise the salary scale prescribed above for the 2007-2008 school year to conform to any adjustments made to the salary scale in prior fiscal years due to revenue growth over and above five percent (5%). For each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) for fiscal year 2006, as certified by the Legislative Budget Office to the State Board of Education and subject to specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale to provide an additional one percent (1%) across-the-board increase in the base salaries for each type of license.

It is the intent of the Legislature that any state funds made available for salaries of licensed personnel in excess of the funds paid for such salaries for the 1986-1987 school year shall be paid to licensed personnel pursuant to a personnel appraisal and compensation system implemented by the State Board of Education. The State Board of Education shall have the authority to adopt and amend rules and regulations as are necessary to establish, administer and maintain the system.

All teachers employed on a full-time basis shall be paid a minimum salary in accordance with the above scale. However, no school district shall receive any funds under this section for any school year during which the local supplement paid to any individual teacher shall have been reduced to a sum less than that paid to that individual teacher for performing the same duties from local supplement during the immediately preceding school year. The amount actually spent for the purposes of group health and/or life insurance shall be considered as a part of the aggregate amount of local supplement but shall not be considered a part of the amount of individual local supplement.

2008-2009 School Year

Annual Increments

For teachers holding a Class AAAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Ninety-four Dollars (\$794.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience, and shall be increased by Three Hundred Ninety-seven Dollars (\$397.00) for each year of teaching experience over twenty-five (25) years up to thirty-five (35) years.

For teachers holding a Class AAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Twenty-seven Dollars (\$727.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience, and shall be increased by Three Hundred Sixty-four Dollars (\$364.00) for each year of teaching experience over twenty-five (25) years up to thirty-five (35) years.

For teachers holding a Class AA license, the minimum base pay specified in this subsection shall be increased by the sum of Six Hundred Sixty Dollars (\$660.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience, and shall be increased by Three Hundred Thirty Dollars (\$330.00) for each year of teaching experience over twenty-five (25) years up to thirty-five (35) years.

For teachers holding a Class A license, the minimum base pay specified in this subsection shall be increased by the sum of Four Hundred Ninety-five Dollars (\$495.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-four (24) years of teaching experience, and shall be increased by Two Hundred Forty-eight Dollars (\$248.00) for each year of teaching experience over twenty-four (24) years up to thirty-five (35) years.

2009-2010 School Year

Annual Increments

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For teachers holding a Class AAAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Ninety-four Dollars (\$794.00) for each year of teaching experience possessed by the person holding such license until such person shall have thirty-five (35) years of teaching experience.

For teachers holding a Class AAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Twenty-seven Dollars (\$727.00) for each year of teaching experience possessed by the person holding such license until such person shall have thirty-five (35) years of teaching experience.

For teachers holding a Class AA license, the minimum base pay specified in this subsection shall be increased by the sum of Six Hundred Sixty Dollars (\$660.00) for each year of teaching experience possessed by the person holding such license until such person shall have thirty-five (35) years of teaching experience.

For teachers holding a Class A license, the minimum base pay specified in this subsection shall be increased by the sum of Four Hundred Ninety-five Dollars (\$495.00) for each year of teaching experience possessed by the person holding such license until such person shall have thirty-five (35) years of teaching experience.

The level of professional training of each teacher to be used in establishing the salary allotment for the teachers for each year shall be determined by the type of valid teacher's license issued to those teachers on or before October 1 of the current school year. Provided, however, that school districts are authorized, in their discretion, to negotiate the salary levels applicable to certificated employees who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided above in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(2) (a) The following employees shall receive an annual salary supplement in the amount of Six Thousand Dollars (\$6,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

(i) Any licensed teacher who has met the requirements and acquired a Master Teacher certificate from the National

Board for Professional Teaching Standards and who is employed by a local school board or the State Board of Education as a teacher and not as an administrator. Such teacher shall submit documentation to the State Department of Education that the certificate was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the teacher shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(ii) A licensed nurse who has met the requirements and acquired a certificate from the National Board for Certification of School Nurses, Inc., and who is employed by a local school board or the State Board of Education as a school nurse and not as an administrator. The licensed school nurse shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school nurse shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. Provided, however, that the total number of licensed school nurses eligible for a salary supplement under this subparagraph (ii) shall not exceed * * * thirty-five (35).

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the Master Teacher certificate shall be entitled to the master teacher

supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association and any certified academic language therapist (CALT) who has met the certification requirements of the Academic Language Therapy Association and who is employed by a local school board or is employed by a state agency under the State Personnel Board. * * * The licensed speech-language pathologist and audiologist and certified academic language therapist shall submit documentation to the State Department of Education that the certificate or endorsement was received * * * before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed speech-language pathologist and audiologist and certified academic language therapist shall submit * * * the documentation to the State Department of Education * * * before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, the total number of certified academic language therapists eligible for a salary supplement under this paragraph (iv) shall not exceed twenty (20).

(b) An employee shall be reimbursed one (1) time for the actual cost of completing the process of acquiring the certificate or endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars (\$500.00) for a school counselor or speech-language pathologist and audiologist, regardless of whether or not the process resulted in the award of the certificate or endorsement. A local school district or any private individual or entity may pay the cost of completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the school district for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement. If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the local school district may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

(c) All salary supplements, fringe benefits and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the local school district and shall be in addition to its minimum education program allotments and not a part thereof in accordance with regulations promulgated by the State Board of Education * * *. Local school districts shall not reduce the local supplement paid to any employee receiving such salary supplement, and the employee shall receive any local supplement to which employees with similar training and experience otherwise are entitled.

(d) The State Department of Education may not pay any process reimbursement to a school district for an employee who does not complete the certification or endorsement process required to be eligible for the certificate or endorsement. If an employee for whom such cost has been paid, in full or in part, by a local school district or private individual or entity fails to complete the certification or endorsement process, the employee shall be liable to the school district or individual or entity for all amounts paid by the school district or individual or entity on behalf of that employee toward his or her certificate or endorsement.

(3) (a) Effective July 1, 2007, if funds are available for that purpose, the Legislature may authorize state funds for additional base compensation for teachers holding licenses in critical subject areas or the equivalent and who teach at least a majority of their courses in a critical subject area, as determined by the State Board of Education.

(b) Effective July 1, 2007, if funds are available for that purpose, the Legislature may authorize state funds for additional base compensation for teachers employed in a public school district located in a geographic area of the state designated as a critical teacher shortage area by the State Board of Education.

(4) (a) This section shall be known and may be cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, only after full funding of MAEP and if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding certified teachers, administrators and nonlicensed personnel at individual schools showing improvement in student

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test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

(i) It is the express intent of this legislation that the MPBP plan shall utilize only existing standards of accreditation and assessment as established by the State Board of Education.

(ii) To ensure that all of Mississippi's teachers, administrators and nonlicensed personnel at all schools have equal access to the monies set aside in this section, the MPBP program shall be designed to calculate each school's performance as determined by the school's increase in scores from the prior school year. The MPBP program shall be based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way upon implementation. At the end of each year, after all student achievement scores have been standardized, the State Department of Education shall implement the MPBP plan.

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school district to be approved before the beginning of each school year beginning July 1, 2008. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

(b) The State Board of Education shall develop the processes and procedures for designating schools eligible to participate in the MPBP. State assessment results, growth in student achievement at individual schools and other measures deemed appropriate in designating successful student achievement shall be used in establishing MPBP criteria. The State Board of Education shall develop the MPBP policies and procedures and report to the Legislature and Governor by December 1, 2006.

(5) (a) Beginning in the 2008-2009 school year, if funds are available for that purpose, each school in Mississippi shall have mentor teachers, as defined by Sections 37-9-201 through 37-9-213, who shall receive additional base compensation provided for by the State Legislature in the amount of One Thousand Dollars (\$1,000.00) per each beginning teacher that is being mentored. The additional state compensation shall be limited to those mentor teachers that provide mentoring services to beginning teachers. For the purposes of such

funding, a beginning teacher shall be defined as any teacher in any school in Mississippi that has less than one (1) year of classroom experience teaching in a public school. For the purposes of such funding, no full-time academic teacher shall mentor more than two (2) beginning teachers.

(b) To be eligible for this state funding, the individual school must have a classroom management program approved by the local school board.

(6) Effective with the 2014-2015 school year, the school districts participating in the Pilot Performance-Based Compensation System pursuant to Section 4 of this act may award additional teacher and administrator pay based thereon.

SECTION 8. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2659

Description: Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program; establish in the State Department of Education.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 546

History of Actions:

- | | | | |
|----|-------|-----|--|
| 1 | 01/21 | (S) | Referred To Education; Appropriations |
| 2 | 01/29 | (S) | DR - TSDP: ED To AP |
| 3 | 01/31 | (S) | Title Suff Do Pass |
| 4 | 02/06 | (S) | Passed {Vote} |
| 5 | 02/07 | (S) | Transmitted To House |
| 6 | 02/20 | (H) | Referred To Education; Appropriations |
| 7 | 02/27 | (H) | DR - TSDPAA: ED To AP |
| 8 | 03/05 | (H) | DR - TSDPAA: AP To ED |
| 9 | 03/05 | (H) | Title Suff Do Pass As Amended |
| 10 | 03/05 | (H) | Read the Third Time |
| 11 | 03/12 | (H) | Amended |
| 12 | 03/12 | (H) | Passed As Amended {Vote} |
| 13 | 03/12 | (H) | Motion to Reconsider Entered (Myers,
Moore, Clarke) |
| 14 | 03/13 | (H) | Motion to Reconsider Tabled |
| 15 | 03/13 | (H) | Returned For Concurrence |
| 16 | 03/20 | (S) | Decline to Concur/Invite Conf |
| 17 | 03/25 | (S) | Conferees Named Tollison, Collins, Burton |
| 18 | 03/27 | (H) | Conferees Named Moore, Guice, Currie |
| 19 | 04/01 | (S) | Conference Report Filed |
| 20 | 04/01 | (H) | Conference Report Filed |
| 21 | 04/03 | (H) | Conference Report Adopted {Vote} |
| 22 | 04/03 | (S) | Conference Report Adopted {Vote} |
| 23 | 04/05 | (S) | Enrolled Bill Signed |

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24 04/08 (H) Enrolled Bill Signed
25 04/25 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*{Vote}

Amendment Report for Senate Bill No. 2659

Conference Reports:

Conference Report

----- **Additional Information** -----

Senate Committee: Education, Appropriations

House Committee: Education, Appropriations

Principal Author: Tollison

Additional Authors: Butler (36th), Chassaniol, Collins, Fillingane, Gollott, Harkins, Hopson, Jackson (11th), Jackson (32nd), Jordan, Parker, Simmons (12th), Sojourner

Title: AN ACT TO ESTABLISH A MISSISSIPPI COMMUNITY ORIENTED POLICING SERVICES IN SCHOOLS (MCOPS) GRANT PROGRAM IN THE STATE DEPARTMENT OF EDUCATION TO ASSIST LAW ENFORCEMENT AGENCIES IN PROVIDING ADDITIONAL SCHOOL RESOURCE OFFICERS TO ENGAGE IN COMMUNITY POLICING IN AND AROUND PRIMARY AND SECONDARY SCHOOLS; TO PRESCRIBE REQUIREMENTS AND STANDARDS FOR THE PROGRAM; TO AUTHORIZE THE LOCAL SCHOOL BOARD OF PUBLIC SCHOOL DISTRICTS, WHICH ARE UNABLE TO MEET THE FINANCIAL REQUIREMENTS FOR PARTICIPATION IN THE MCOPS PROGRAM, TO DEVELOP A PLAN FOR THE SECURITY OF ITS STUDENTS, FACULTY AND ADMINISTRATION, WHICH MUST BE APPROVED BY THE STATE BOARD OF EDUCATION AND THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY, AND TO PROVIDE THAT THE SCHOOL BOARD MAY APPLY FOR GRANTS UNDER THE MCOPS PROGRAM FOR TRAINING OF SECURITY PERSONNEL EMPLOYED BY THE SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2659

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Education; Appropriations

By: Senator(s) Tollison, Butler (36th), Chassaniol, Collins, Fillingane, Gollott, Harkins, Hopson, Jackson (11th), Jackson (32nd), Jordan, Parker, Simmons (12th), Sojourner

Senate Bill 2659

(As Sent to Governor)

AN ACT TO ESTABLISH A MISSISSIPPI COMMUNITY ORIENTED POLICING SERVICES IN SCHOOLS (MCOPS) GRANT PROGRAM IN THE STATE DEPARTMENT OF EDUCATION TO ASSIST LAW ENFORCEMENT AGENCIES IN PROVIDING ADDITIONAL SCHOOL RESOURCE OFFICERS TO ENGAGE IN COMMUNITY POLICING IN AND AROUND PRIMARY AND SECONDARY SCHOOLS; TO PRESCRIBE REQUIREMENTS AND STANDARDS FOR THE PROGRAM; TO AUTHORIZE THE LOCAL SCHOOL BOARD OF PUBLIC SCHOOL DISTRICTS, WHICH ARE UNABLE TO MEET THE FINANCIAL REQUIREMENTS FOR PARTICIPATION IN THE MCOPS PROGRAM, TO DEVELOP A PLAN FOR THE SECURITY OF ITS STUDENTS, FACULTY AND ADMINISTRATION, WHICH MUST BE APPROVED BY THE STATE BOARD OF EDUCATION AND THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY, AND TO PROVIDE THAT THE SCHOOL BOARD MAY APPLY FOR GRANTS UNDER THE MCOPS PROGRAM FOR TRAINING OF SECURITY PERSONNEL EMPLOYED BY THE SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is hereby established the Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program in the State Department of Education to provide funding, pursuant to specific appropriation by the Legislature therefor, to assist law enforcement agencies in providing additional School Resource Officers to engage in community policing in and around primary and secondary schools. The MCOPS program shall authorize the State Department of Education to make grants to increase deployment of law enforcement officers in order (a) to increase or enhance community policing in this state, (b) that trained, sworn enforcement officers assigned to schools play an integral part in the development and/or enhancement of a comprehensive school safety plan, and (c) that the presence of these officers shall provide schools with a direct link to local law enforcement agencies.

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(2) The MCOPS program shall meet the following requirements and standards:

(a) This program shall provide an incentive for law enforcement agencies to build collaborative partnerships with the school community and to use community policing efforts to combat school violence and implement educational programs to improve student and school safety.

(b) The additional School Resource Officers must devote at least seventy-five percent (75%) of their time to work in and around primary and secondary schools, in addition to the time that School Resource Officers are devoting in the absence of the MCOPS in Schools grant.

(c) The MCOPS in Schools program shall provide a maximum state contribution of up to Ten Thousand Dollars (\$10,000.00) per officer position over the one-year grant period, to be matched from local funds on a 50/50 matching basis. Officers paid with MCOPS funds may be employed by the local law enforcement agency or by the local school district. MCOPS funds may be used to pay for entry-level salaries and benefits of newly trained additional School Resource Officers and may be used to pay the salaries and benefits of School Resource Officers employed prior to July 1, 2013. All jurisdictions that apply must demonstrate that they have primary law enforcement authority over the school(s) identified in their application and demonstrate their inability to implement this project without state assistance. Schools or law enforcement agencies may not reduce its overall federal, state, locally funded level of sworn officers (including other School Resource Officers or other sworn officers assigned to the schools) as a result of applying for or receiving MCOPS in Schools grant funding. MCOPS in Schools funding may be used to rehire sworn officers previously employed who have been laid off for financial reasons unrelated to the availability of the MCOPS in Schools grant, but must obtain prior written approval from the State Department of Education.

(f) School Resource Officers (SROs) may serve in a variety of roles, including, but not limited to, that of a law enforcement officer/safety specialist, law-related educator, and problem-solver/community liaison. These officers may teach programs such as crime prevention, substance abuse prevention, and gang resistance as well as monitor and assist troubled students through mentoring programs. The School

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Resource Officer(s) may also identify physical changes in the environment that may reduce crime in and around the schools, as well as assist in developing school policies which address criminal activity and school safety.

The application must also include a Memorandum of Understanding (MOU), signed by the law enforcement executive and the appropriate school official(s), to document the roles and responsibilities to be undertaken by the law enforcement agency and the educational school partner(s) through this collaborative effort. The application must also include a Narrative Addendum to document that the School Resource Officer(s) will be assigned to work in and around primary or secondary schools and provide supporting documentation in the following areas: problem identification and justification, community policing strategies to be used by the officers, quality and level of commitment to the effort, and the link to community policing.

(g) All agencies receiving awards through the MCOPS in Schools program are required to send the School Resource Officer position(s) funded by this grant, to the Mississippi Law Enforcement Officers' Training Academy where they shall be required to participate in training through the Advanced Law Enforcement Rapid Response Training Program at the academy, with the cost to be defrayed from the MCOPS program. The MCOPS Office of the State Department of Education will reimburse grantees for training, per diem, travel, and lodging costs for attendance of required participants up to a maximum of One Thousand Two Hundred Dollars (\$1,200.00) per person attending. Applicants receiving an MCOPS in Schools grant, will receive additional training information following notification of the grant award. The MCOPS in Schools training requirement must be completed prior to the end of twelve-month grant funding for officer positions.

(3) The State Department of Education shall promulgate rules and regulations prescribing procedures for the application, expenditure requirements and the administration of the Mississippi Community Oriented Policing Services in Schools (MCOPS) program established in this section, and shall make a report on the implementation of the MCOPS program with any recommendations to the 2014 Regular Session of the Legislature.

SECTION 2. In the event that a public school district is unable to participate in the MCOPS program due to the district's inability to meet the necessary financial requirements of the local fund match, the local school board of that school district may develop a plan for the security of its students, faculty and administration, which must be approved by the State Board of Education and the Mississippi Department of Public Safety prior to its implementation. The local school board may still apply for grants under the MCOPS program for training of security personnel employed by the school district.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2670

Description: Mental Health Reform Act of 2011; reenact and extend repealers.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 549

History of Actions:

1	01/21	(S)	Referred To Public Health and Welfare
2	02/05	(S)	Title Suff Do Pass
3	02/11	(S)	Passed {Vote}
4	02/12	(S)	Transmitted To House
5	02/21	(H)	Referred To Public Health and Human Services
6	02/28	(H)	Title Suff Do Pass As Amended
7	03/01	(H)	Amended
8	03/01	(H)	Passed As Amended {Vote}
9	03/04	(H)	Returned For Concurrence
10	03/22	(S)	Decline to Concur/Invite Conf
11	03/25	(S)	Conferees Named Kirby, Burton, Bryan
12	03/26	(H)	Conferees Named Mims, Barker, Currie
13	04/01	(S)	Conference Report Filed
14	04/01	(H)	Conference Report Filed
15	04/02	(H)	Conference Report Adopted {Vote}
16	04/02	(S)	Conference Report Adopted {Vote}
17	04/08	(S)	Enrolled Bill Signed
18	04/08	(H)	Enrolled Bill Signed
19	04/25		Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2670

Conference Reports:

| Conference Report

Code Section: A 041-0004-0007

----- Additional Information -----

Senate Committee: Public Health and Welfare

House Committee: Public Health and Human Services

Principal Author: Bryan

Title: AN ACT TO AMEND SECTION 41-4-7, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON THE MISSISSIPPI DEPARTMENT OF MENTAL HEALTH BEST PRACTICES COMMITTEE AND ON THE PROVISION THAT AUTHORIZES THE STATE BOARD OF MENTAL HEALTH TO SUPERVISE, COORDINATE AND ESTABLISH STANDARDS FOR ALL OPERATIONS AND ACTIVITIES OF THE STATE RELATED TO MENTAL HEALTH AND PROVIDING MENTAL HEALTH SERVICES; TO CODIFY SECTION 41-4-10, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE MEMBERSHIP AND RESPONSIBILITIES OF THE MENTAL HEALTH STRATEGIC PLANNING AND BEST PRACTICES COMMITTEE; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2670

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Welfare

By: Senator(s) Bryan

Senate Bill 2670

(As Sent to Governor)

AN ACT TO AMEND SECTION 41-4-7, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON THE MISSISSIPPI DEPARTMENT OF MENTAL HEALTH BEST PRACTICES COMMITTEE AND ON THE PROVISION THAT AUTHORIZES THE STATE BOARD OF MENTAL HEALTH TO SUPERVISE, COORDINATE AND ESTABLISH STANDARDS FOR ALL OPERATIONS AND ACTIVITIES OF THE STATE RELATED TO MENTAL HEALTH AND PROVIDING MENTAL HEALTH SERVICES; TO CODIFY SECTION 41-4-10, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE MEMBERSHIP AND RESPONSIBILITIES OF THE MENTAL HEALTH STRATEGIC PLANNING AND BEST PRACTICES COMMITTEE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-4-7, Mississippi Code of 1972, is amended as follows:

41-4-7. The State Board of Mental Health shall have the following powers and duties:

(a) To appoint a full-time Executive Director of the Department of Mental Health, who shall be employed by the board and shall serve as executive secretary to the board. The first director shall be a duly licensed physician with special interest and competence in psychiatry, and shall possess a minimum of three (3) years' experience in clinical and administrative psychiatry. Subsequent directors shall possess at least a master's degree or its equivalent, and shall possess at least ten (10) years' administrative experience in the field of mental health. The salary of the executive director shall be determined by the board;

(b) To appoint a Medical Director for the Department of Mental Health. The medical director shall provide clinical oversight in the implementation of evidence-based and best practices; provide clinical leadership in the integration of mental health, intellectual disability and addiction services with community partners in the public and private sectors; and provide oversight regarding standards of care. The medical

director shall serve at the will and pleasure of the board, and will undergo an annual review of job performance and future service to the department;

(c) To * * * cooperate with the Strategic Planning and Best Practices Committee * * * created in Section 41-4-10, Mississippi Code of 1972, in establishing and implementing its state strategic plan;

* * *

(d) To develop a * * * strategic * * * plan for the development of services for persons with mental illness, persons with developmental disabilities and other clients of the public mental health system. Such strategic planning program shall require that the board, acting through the Strategic Planning and Best Practices Committee, perform the following functions respecting the delivery of services:

(i) Establish measures for determining the efficiency and effectiveness of the services specified in Section 41-4-1(2);

(ii) Conducting studies of community-based care in other jurisdictions to determine which services offered in these jurisdictions have the potential to provide the citizens of Mississippi with more effective and efficient community-based care;

(iii) Evaluating the efficiency and effectiveness of the services specified in Section 41-4-1(2);

(iv) Recommending to the Legislature by January 1, 2014, any necessary additions, deletions or other changes necessary to the services specified in Section 41-4-1(2);

(v) Implementing by July 1, 2012, a system of performance measures for the services specified in Section 41-4-1(2);

(vi) Recommending to the Legislature any changes that the department believes are necessary to the current laws addressing civil commitment;

(vii) Conducting any other activities necessary to the evaluation and study of the services specified in Section 41-4-1(2);

(viii) Assisting in conducting all necessary strategic planning for the delivery of all other services of the

department. Such planning shall be conducted so as to produce a single strategic plan for the services delivered by the public mental health system and shall establish appropriate mission statements, goals, objectives and performance indicators for all programs and services of the public mental health system. For services other than those specified in Section 41-4-1(2), the committee shall recommend to the State Board of Mental Health a strategic plan that the board may adopt or modify;

(e) To set up state plans for the purpose of controlling and treating any and all forms of mental and emotional illness, alcoholism, drug misuse and developmental disabilities;

(f) To supervise, coordinate and establish standards for all operations and activities of the state related to mental health and providing mental health services. Nothing in this chapter shall preclude the services of a psychiatric/mental health nurse practitioner in accordance with an established nurse practitioner/physician protocol. A physician, licensed psychologist, psychiatric/mental health nurse practitioner in accordance with an established nurse practitioner/physician protocol, physician assistant, licensed professional counselor, licensed marriage and family therapists, or licensed clinical social worker shall certify each client's record annually after seeing the client in person or by telemedicine, and more often if medically indicated by physically visiting the client and certifying same in the record. The board shall have the authority to develop and implement all standards and plans and shall have the authority to establish appropriate actions, including financially punitive actions, to ensure enforcement of these established standards, in accordance with the Administrative Procedures Law (Section 25-43-1 et seq.). The regional community mental health/intellectual disability centers shall comply with all of the board's established standards that are applicable to those centers, and the board may withhold any state funds that otherwise would be allocated or paid to any of those centers that does not comply with the board's established standards. This paragraph (f) shall stand repealed on July 1, * * * 2017;

(g) To enter into contracts with any other state or federal agency, or with any private person, organization or group capable of contracting, if it finds such action to be in the public interest;

(h) To collect reasonable fees for its services; however, if it is determined that a person receiving services is unable to pay the total fee, the department shall collect any amount such person is able to pay;

(i) To certify, coordinate and establish minimum standards and establish minimum required services, as specified in Section 41-4-1(2), for regional mental health and intellectual disability commissions and other community service providers for community or regional programs and services in adult mental health, children and youth mental health, intellectual disabilities, alcoholism, drug misuse, developmental disabilities, compulsive gambling, addictive disorders and related programs throughout the state. Such regional mental health and intellectual disability commissions and other community service providers shall, on or before July 1 of each year, submit an annual operational plan to the State Department of Mental Health for approval or disapproval based on the minimum standards and minimum required services established by the department for certification and itemize the services specified in Section 41-4-1(2). As part of the annual operation plan required by this paragraph (i) submitted by any regional community mental health center or by any other reasonable certification deemed acceptable by the department, the community mental health center shall state those services specified in Section 41-4-1(2) that it will provide and also those services that it will not provide. If the department finds deficiencies in the plan of any regional commission or community service provider based on the minimum standards and minimum required services established for certification, the department shall give the regional commission or community service provider a six-month probationary period to bring its standards and services up to the established minimum standards and minimum required services. After the six-month probationary period, if the department determines that the regional commission or community service provider still does not meet the minimum standards and minimum required services established for certification, the department may remove the certification of the commission or provider and from and after July 1, 2011, the commission or provider shall be ineligible for state funds from Medicaid reimbursement or other funding sources for those services. However, the department shall not mandate a standard or service, or decertify a regional commission or community service provider for not meeting a

standard or service, if the standard or service does not have funding appropriated by the Legislature or have a state, federal or local funding source identified by the department. No county shall be required to levy millage to provide a mandated standard or service above the minimum rate required by Section 41-19-39. After the six-month probationary period, the department may identify an appropriate community service provider to provide any core services in that county that are not provided by a community mental health center. However, the department shall not offer reimbursement or other accommodations to a community service provider of core services that were not offered to the decertified community mental health center for the same or similar services. The State Board of Mental Health shall promulgate rules and regulations necessary to implement the provisions of this paragraph (i), in accordance with the Administrative Procedures Law (Section 25-43-1.101 et seq.);

(j) To establish and promulgate reasonable minimum standards for the construction and operation of state and all Department of Mental Health certified facilities, including reasonable minimum standards for the admission, diagnosis, care, treatment, transfer of patients and their records, and also including reasonable minimum standards for providing day care, outpatient care, emergency care, inpatient care and follow-up care, when such care is provided for persons with mental or emotional illness, an intellectual disability, alcoholism, drug misuse and developmental disabilities;

(k) To implement best practices for all services specified in Section 41-4-1(2), and to establish and implement all other services delivered by the Department of Mental Health. To carry out this responsibility, the board shall require the department to establish a division responsible for developing best practices based on a comprehensive analysis of the mental health environment to determine what the best practices for each service are. In developing best practices, the board shall consider the cost and benefits associated with each practice with a goal of implementing only those practices that are cost-effective practices for service delivery. Such best practices shall be utilized by the board in establishing performance standards and evaluations of the community mental health centers' services required by paragraph (d) of this section;

(l) To assist community or regional programs consistent with the purposes of this chapter by making grants and contracts from available funds;

(m) To establish and collect reasonable fees for necessary inspection services incidental to certification or compliance;

(n) To accept gifts, trusts, bequests, grants, endowments or transfers of property of any kind;

(o) To receive monies coming to it by way of fees for services or by appropriations;

(p) To serve as the single state agency in receiving and administering any and all funds available from any source for the purpose of service delivery, training, research and education in regard to all forms of mental illness, intellectual disabilities, alcoholism, drug misuse and developmental disabilities, unless such funds are specifically designated to a particular agency or institution by the federal government, the Mississippi Legislature or any other grantor;

(q) To establish mental health holding centers for the purpose of providing short-term emergency mental health treatment, places for holding persons awaiting commitment proceedings or awaiting placement in a state mental health facility following commitment, and for diverting placement in a state mental health facility. These mental health holding facilities shall be readily accessible, available statewide, and be in compliance with emergency services' minimum standards. They shall be comprehensive and available to triage and make appropriate clinical disposition, including the capability to access inpatient services or less restrictive alternatives, as needed, as determined by medical staff. Such facility shall have medical, nursing and behavioral services available on a twenty-four-hour-a-day basis. The board may provide for all or part of the costs of establishing and operating the holding centers in each district from such funds as may be appropriated to the board for such use, and may participate in any plan or agreement with any public or private entity under which the entity will provide all or part of the costs of establishing and operating a holding center in any district;

(r) To certify/license case managers, mental health therapists, intellectual disability therapists, mental health/intellectual disability program administrators, addiction counselors and others as deemed appropriate by the board.

Persons already professionally licensed by another state board or agency are not required to be certified/licensed under this section by the Department of Mental Health. The department shall not use professional titles in its certification/licensure process for which there is an independent licensing procedure. Such certification/licensure shall be valid only in the state mental health system, in programs funded and/or certified by the Department of Mental Health, and/or in programs certified/licensed by the State Department of Health that are operated by the state mental health system serving persons with mental illness, an intellectual disability, a developmental disability or addictions, and shall not be transferable;

(s) To develop formal mental health worker qualifications for regional mental health and intellectual disability commissions and other community service providers. The State Personnel Board shall develop and promulgate a recommended salary scale and career ladder for all regional mental health/intellectual disability center therapists and case managers who work directly with clients. The State Personnel Board shall also develop and promulgate a career ladder for all direct care workers employed by the State Department of Mental Health;

(t) The employees of the department shall be governed by personnel merit system rules and regulations, the same as other employees in state services;

(u) To establish such rules and regulations as may be necessary in carrying out the provisions of this chapter, including the establishment of a formal grievance procedure to investigate and attempt to resolve consumer complaints;

(v) To grant easements for roads, utilities and any other purpose it finds to be in the public interest;

(w) To survey statutory designations, building markers and the names given to mental health/intellectual disability facilities and proceedings in order to recommend deletion of obsolete and offensive terminology relative to the mental health/intellectual disability system. Based upon a recommendation of the executive director, the board shall have the authority to name/rename any facility operated under the auspices of the Department of Mental Health for the sole purpose of deleting such terminology;

(x) To ensure an effective case management system directed at persons who have been discharged from state and private psychiatric hospitals to ensure their continued well-being in the community;

(y) To develop formal service delivery standards designed to measure the quality of services delivered to community clients, as well as the timeliness of services to community clients provided by regional mental health/intellectual disability commissions and other community services providers;

(z) To establish regional state offices to provide mental health crisis intervention centers and services available throughout the state to be utilized on a case-by-case emergency basis. The regional services director, other staff and delivery systems shall meet the minimum standards of the Department of Mental Health;

(aa) To require performance contracts with community mental health/intellectual disability service providers to contain performance indicators to measure successful outcomes, including diversion of persons from inpatient psychiatric hospitals, rapid/timely response to emergency cases, client satisfaction with services and other relevant performance measures;

(bb) To enter into interagency agreements with other state agencies, school districts and other local entities as determined necessary by the department to ensure that local mental health service entities are fulfilling their responsibilities to the overall state plan for behavioral services;

(cc) To establish and maintain a toll-free grievance reporting telephone system for the receipt and referral for investigation of all complaints by clients of state and community mental health/intellectual disability facilities;

(dd) To establish a peer review/quality assurance evaluation system that assures that appropriate assessment, diagnosis and treatment is provided according to established professional criteria and guidelines;

(ee) To develop and implement state plans for the purpose of assisting with the care and treatment of persons with Alzheimer's disease and other dementia. This plan shall include education and training of service providers, caregivers in the home setting and others who deal with persons with

Alzheimer's disease and other dementia, and development of adult day care, family respite care and counseling programs to assist families who maintain persons with Alzheimer's disease and other dementia in the home setting. No agency shall be required to provide any services under this section until such time as sufficient funds have been appropriated or otherwise made available by the Legislature specifically for the purposes of the treatment of persons with Alzheimer's and other dementia;

(ff) Working with the advice and consent of the administration of Ellisville State School, to enter into negotiations with the Economic Development Authority of Jones County for the purpose of negotiating the possible exchange, lease or sale of lands owned by Ellisville State School to the Economic Development Authority of Jones County. It is the intent of the Mississippi Legislature that such negotiations shall ensure that the financial interest of the persons with an intellectual disability served by Ellisville State School will be held paramount in the course of these negotiations. The Legislature also recognizes the importance of economic development to the citizens of the State of Mississippi and Jones County, and encourages fairness to the Economic Development Authority of Jones County. Any negotiations proposed which would result in the recommendation for exchange, lease or sale of lands owned by Ellisville State School must have the approval of the State Board of Mental Health. The State Board of Mental Health may and has the final authority as to whether or not these negotiations result in the exchange, lease or sale of the properties it currently holds in trust for persons with an intellectual disability served at Ellisville State School.

If the State Board of Mental Health authorizes the sale of lands owned by Ellisville State School, as provided for under this paragraph (ff), the monies derived from the sale shall be placed into a special fund that is created in the State Treasury to be known as the "Ellisville State School Client's Trust Fund." The principal of the trust fund shall remain inviolate and shall never be expended. Any interest earned on the principal may be expended solely for the benefits of clients served at Ellisville State School. The State Treasurer shall invest the monies of the trust fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, and those investments

shall be subject to the limitations prescribed by Section 37-155-9. Unexpended amounts remaining in the trust fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the trust fund shall be deposited to the credit of the trust fund. The administration of Ellisville State School may use any interest earned on the principal of the trust fund, upon appropriation by the Legislature, as needed for services or facilities by the clients of Ellisville State School. Ellisville State School shall make known to the Legislature, through the Legislative Budget Committee and the respective Appropriations Committees of the House and Senate, its proposed use of interest earned on the principal of the trust fund for any fiscal year in which it proposes to make expenditures thereof. The State Treasurer shall provide Ellisville State School with an annual report on the Ellisville State School Client's Trust Fund to indicate the total monies in the trust fund, interest earned during the year, expenses paid from the trust fund and such other related information.

Nothing in this section shall be construed as applying to or affecting mental health/intellectual disability services provided by hospitals as defined in Section 41-9-3(a), and/or their subsidiaries and divisions, which hospitals, subsidiaries and divisions are licensed and regulated by the Mississippi State Department of Health unless such hospitals, subsidiaries or divisions voluntarily request certification by the Mississippi State Department of Mental Health.

All new programs authorized under this section shall be subject to the availability of funds appropriated therefor by the Legislature;

(gg) Working with the advice and consent of the administration of Boswell Regional Center, to enter into negotiations with the Economic Development Authority of Simpson County for the purpose of negotiating the possible exchange, lease or sale of lands owned by Boswell Regional Center to the Economic Development Authority of Simpson County. It is the intent of the Mississippi Legislature that such negotiations shall ensure that the financial interest of the persons with an intellectual disability served by Boswell Regional Center will be held paramount in the course of these negotiations. The Legislature also recognizes the importance of economic development to the citizens of the State of

Mississippi and Simpson County, and encourages fairness to the Economic Development Authority of Simpson County. Any negotiations proposed which would result in the recommendation for exchange, lease or sale of lands owned by Boswell Regional Center must have the approval of the State Board of Mental Health. The State Board of Mental Health may and has the final authority as to whether or not these negotiations result in the exchange, lease or sale of the properties it currently holds in trust for persons with an intellectual disability served at Boswell Regional Center. In any such exchange, lease or sale of such lands owned by Boswell Regional Center, title to all minerals, oil and gas on such lands shall be reserved, together with the right of ingress and egress to remove same, whether such provisions be included in the terms of any such exchange, lease or sale or not.

If the State Board of Mental Health authorizes the sale of lands owned by Boswell Regional Center, as provided for under this paragraph (gg), the monies derived from the sale shall be placed into a special fund that is created in the State Treasury to be known as the "Boswell Regional Center Client's Trust Fund." The principal of the trust fund shall remain inviolate and shall never be expended. Any earnings on the principal may be expended solely for the benefits of clients served at Boswell Regional Center. The State Treasurer shall invest the monies of the trust fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, and those investments shall be subject to the limitations prescribed by Section 37-155-9. Unexpended amounts remaining in the trust fund at the end of a fiscal year shall not lapse into the State General Fund, and any earnings on amounts in the trust fund shall be deposited to the credit of the trust fund. The administration of Boswell Regional Center may use any earnings on the principal of the trust fund, upon appropriation by the Legislature, as needed for services or facilities by the clients of Boswell Regional Center. Boswell Regional Center shall make known to the Legislature, through the Legislative Budget Committee and the respective Appropriations Committees of the House and Senate, its proposed use of the earnings on the principal of the trust fund for any fiscal year in which it proposes to make expenditures thereof. The State Treasurer shall provide Boswell Regional Center with an annual report on the Boswell Regional Center Client's Trust Fund to indicate the total

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monies in the trust fund, interest and other income earned during the year, expenses paid from the trust fund and such other related information.

Nothing in this section shall be construed as applying to or affecting mental health/intellectual disability services provided by hospitals as defined in Section 41-9-3(a), and/or their subsidiaries and divisions, which hospitals, subsidiaries and divisions are licensed and regulated by the Mississippi State Department of Health unless such hospitals, subsidiaries or divisions voluntarily request certification by the Mississippi State Department of Mental Health.

All new programs authorized under this section shall be subject to the availability of funds appropriated therefor by the Legislature;

(hh) Notwithstanding any other section of the code, the Board of Mental Health shall be authorized to fingerprint and perform a criminal history record check on every employee or volunteer. Every employee and volunteer shall provide a valid current social security number and/or driver's license number which shall be furnished to conduct the criminal history record check. If no disqualifying record is identified at the state level, fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check;

(ii) The Department of Mental Health shall have the authority for the development of a consumer friendly single point of intake and referral system within its service areas for persons with mental illness, an intellectual disability, developmental disabilities or alcohol or substance abuse who need assistance identifying or accessing appropriate services. The department will develop and implement a comprehensive evaluation procedure ensuring that, where appropriate, the affected person or their parent or legal guardian will be involved in the assessment and planning process. The department, as the point of intake and as service provider, shall have the authority to determine the appropriate institutional, hospital or community care setting for persons who have been diagnosed with mental illness, an intellectual disability, developmental disabilities and/or alcohol or substance abuse, and may provide for the least restrictive placement if the treating professional believes such a setting is appropriate, if the person affected or their parent or legal guardian

wants such services, and if the department can do so with a reasonable modification of the program without creating a fundamental alteration of the program. The least restrictive setting could be an institution, hospital or community setting, based upon the needs of the affected person or their parent or legal guardian;

(jj) To have the sole power and discretion to enter into, sign, execute and deliver long-term or multiyear leases of real and personal property owned by the Department of Mental Health to and from other state and federal agencies and private entities deemed to be in the public's best interest. Any monies derived from such leases shall be deposited into the funds of the Department of Mental Health for its exclusive use. Leases to private entities shall be approved by the Department of Finance and Administration and all leases shall be filed with the Secretary of State;

(kk) To certify and establish minimum standards and minimum required services for county facilities used for housing, feeding and providing medical treatment for any person who has been involuntarily ordered admitted to a treatment center by a court of competent jurisdiction. The minimum standard for the initial assessment of those persons being housed in county facilities is for the assessment to be performed by a physician, preferably a psychiatrist, or by a nurse practitioner, preferably a psychiatric nurse practitioner. If the department finds deficiencies in any such county facility or its provider based on the minimum standards and minimum required services established for certification, the department shall give the county or its provider a six-month probationary period to bring its standards and services up to the established minimum standards and minimum required services. After the six-month probationary period, if the department determines that the county or its provider still does not meet the minimum standards and minimum required services, the department may remove the certification of the county or provider and require the county to contract with another county having a certified facility to hold those persons for that period of time pending transportation and admission to a state treatment facility. Any cost incurred by a county receiving an involuntarily committed person from a county with a decertified holding facility shall be reimbursed by the home county to the receiving county.

SECTION 2. The following shall be codified as Section 41-4-10, Mississippi Code of 1972:

41-4-10. There is hereby established a Strategic Planning and Best Practices Committee (committee) for the purpose of improving and coordinating mental health services in the state. The committee shall consist of eleven (11) members appointed by the Governor as follows:

(a) Two (2) members of the State Board of Mental Health;

(b) The Chairman of the Department of Psychiatry at the University of Mississippi Medical Center;

(c) The Executive Director of the Division of Medicaid in the Office of the Governor;

(d) Two (2) directors of community mental health centers that are members of the Mississippi Association of Community Mental Health Centers.

(e) One (1) representative of a nonprofit mental health advocacy group;

(f) One (1) consumer or family member of a consumer of mental health services;

(g) One (1) representative from a separate, private, nonprofit provider of a continuum of mental health services;

(h) Two (2) individuals knowledgeable in the field of mental health and/or with experience in business management or public administration.

All appointed members of the Strategic Planning and Best Practices Committee shall be appointed to three-year terms and may be reappointed.

The committee shall meet and elect a chairman, who shall not be a member of the Mississippi Board of Mental Health or the State Board of Health. The committee shall meet upon the call of the chair.

The Lieutenant Governor may designate one (1) Senator and the Speaker of the House of Representatives may designate one (1) Representative to attend any meeting of the Strategic Planning and Best Practices Committee. The appointing authorities may designate alternate members from their respective houses to serve when the regular designees are unable to attend the meetings of the committee.

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The committee shall work with the Mississippi Department of Mental Health and the Regional Community Mental Health and Intellectual Disability Commissions to produce the state strategic plan as required in Section 41-4-7(d).

The Department of Mental Health shall provide professional and technical support to the committee, including the services of the department's medical director, and its planning staff. Additionally, the committee shall be authorized to seek grants from public and private sources to conduct the necessary studies and evaluations to support the committee in carrying out its responsibilities. The committee may also seek the assistance of the state institutions of higher learning, the State Department of Health, the Division of Medicaid, the State Department of Education, any community mental health center, and any other state agency whose expertise may be helpful to the committee.

This section shall stand repealed from and after July 1, 2017.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2681

Description: State aircraft; remove prohibition on the purchase of liability insurance coverage for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 547

History of Actions:

- | | | | |
|--------|-------|-----|---|
| 1 | 01/21 | (S) | Referred To Insurance |
| 2 | 02/04 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/06 | (S) | Committee Substitute Adopted |
| 4 | 02/06 | (S) | Passed {Vote} |
| 5 | 02/07 | (S) | Motion to Reconsider Entered |
| 6 | 02/15 | (S) | Reconsidered |
| 7 | 02/15 | (S) | Amended |
| 8 | 02/15 | (S) | Passed As Amended {Vote} |
| 9 | 02/19 | (S) | Transmitted To House |
| 10 | 02/21 | (H) | Referred To Insurance |
| 11 | 02/26 | (H) | Title Suff Do Pass |
| 12 | 02/28 | (H) | Amended |
| 13 | 02/28 | (H) | Passed As Amended {Vote} |
| 14 | 03/04 | (H) | Returned For Concurrence |
| 15 | 03/19 | (S) | Decline to Concur/Invite Conf |
| 16 | 03/25 | (S) | Conferees Named Carmichael,Clarke,Simmons |
| (12th) | | | |
| 17 | 03/29 | (H) | Conferees Named Chism,Buck (5th),Guice |
| 18 | 04/01 | (H) | Conference Report Filed |
| 19 | 04/01 | (S) | Conference Report Filed |
| 20 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 21 | 04/02 | (S) | Conference Report Adopted {Vote} |
| 22 | 04/05 | (S) | Enrolled Bill Signed |
| 23 | 04/05 | (H) | Enrolled Bill Signed |

2013 GENERAL LAWS OF MISSISSIPPI SB 2681

24 04/25 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted* Voice Vote

[H] Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2681

Conference Reports:

| Conference Report

Code Section: A 061-0013-0013

----- Additional Information -----

Senate Committee: Insurance

House Committee: Insurance

Principal Author: Carmichael

Title: AN ACT TO AMEND SECTION 61-13-13, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROHIBITION ON THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO PURCHASE LIABILITY INSURANCE COVERAGE FOR STATE AIRCRAFT; TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO SELL ITS AIRCRAFT AND RETAIN THE PROCEEDS FROM THE SALE TO PURCHASE REPLACEMENT AIRCRAFT MORE SUITED TO THE NEEDS OF THE DEPARTMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Insurance

By: Senator(s) Carmichael

Senate Bill 2681

(As Sent to Governor)

AN ACT TO AMEND SECTION 61-13-13, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROHIBITION ON THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO PURCHASE LIABILITY INSURANCE COVERAGE FOR STATE AIRCRAFT; TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO SELL ITS AIRCRAFT AND RETAIN THE PROCEEDS FROM THE SALE TO PURCHASE REPLACEMENT AIRCRAFT MORE SUITED TO THE NEEDS OF THE DEPARTMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 61-13-13, Mississippi Code of 1972, is amended as follows:

61-13-13. The Department of Finance and Administration is hereby authorized to obtain adequate comprehensive insurance coverage for each of such airplanes as may be purchased or operated under the provisions of this chapter and any other insurance* * * deemed necessary by the Executive Director of the Department of Finance and Administration. The purchase of such insurance shall be on a bid basis in accordance with generally accepted practice for insurance purchases by departments of state government.

SECTION 2. Notwithstanding any provision to the contrary that may be found in Section 61-13-1 et seq., the Department of Public Safety is hereby authorized to sell any or all of its fleet of aircraft and replace the same with aircraft more suited to the needs of the department. The proceeds from the sale of such aircraft shall be retained by the Department of Public Safety to be used by the department to offset the cost of replacement aircraft purchased by the department and shall not be transferred to the State General Fund. However, in the event there are any proceeds remaining after the purchase of the replacement aircraft, the department shall transfer the remaining amounts to the State General Fund. The department is authorized to escalate its budget to expend the proceeds from the sale of the aircraft in a manner consistent with authorization granted in this section.

2013 GENERAL LAWS OF MISSISSIPPI SB 2681

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2696

Description: Mississippi S.A.F.E. Mortgage Act; make various amendments.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 499

History of Actions:

1	01/21	(S)	Referred To Business and Financial Institutions
2	02/04	(S)	Title Suff Do Pass Comm Sub
3	02/06	(S)	Committee Substitute Adopted
4	02/06	(S)	Passed {Vote}
5	02/07	(S)	Transmitted To House
6	02/21	(H)	Referred To Banking and Financial Services
7	02/26	(H)	Title Suff Do Pass
8	02/28	(H)	Tabled Subject To Call
9	03/01	(H)	Amended
10	03/01	(H)	Passed As Amended {Vote}
11	03/04	(H)	Motion to Reconsider Entered (Guice, Zuber, Carpenter)
12	03/05	(H)	Reconsidered
13	03/05	(H)	Amended
14	03/05	(H)	Passed As Amended {Vote}
15	03/07	(H)	Returned For Concurrence
16	03/27	(S)	Concurred in Amend From House {Vote}
17	03/30	(S)	Enrolled Bill Signed
18	04/01	(H)	Enrolled Bill Signed
19	04/18		Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 2 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2696

2013 GENERAL LAWS OF MISSISSIPPI SB 2696

Code Section: A 081-0018-0003, A 081-0018-0009, A 081-0018-0013, A 081-0018-0015, A 081-0018-0017, A 081-0018-0021, A 081-0018-0023, A 081-0018-0035

----- **Additional Information** -----

Senate Committee: Business and Financial Institutions

House Committee: Banking and Financial Services

Principal Author: Jackson (15th)

Title: AN ACT TO AMEND SECTION 81-18-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "QUALIFYING INDIVIDUAL" AS USED IN THE MISSISSIPPI S.A.F.E. MORTGAGE ACT; TO AMEND SECTION 81-18-9, MISSISSIPPI CODE OF 1972, TO REVISE THE CONTENTS OF THE MORTGAGE BROKER AND LENDER APPLICATIONS AND TO INCREASE THE INITIAL LOAN ORIGINATOR LICENSE FEE; TO AMEND SECTION 81-18-13, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN LICENSING PROCEDURES AND CRITERIA; TO AMEND SECTION 81-18-15, MISSISSIPPI CODE OF 1972, TO INCREASE THE LICENSE AND RENEWAL FEES FOR MORTGAGE BROKERS, MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTION 81-18-17, MISSISSIPPI CODE OF 1972, TO INCREASE THE BRANCH LICENSE AND RENEWAL FEES; TO AMEND SECTION 81-18-21, MISSISSIPPI CODE OF 1972, TO REVISE THE EXAMINATION FEE WHICH MAY BE CHARGED BY THE COMMISSIONER OF BANKING FOR THE EXAMINATION OF THE BOOKS AND RECORDS OF ANY LICENSEE; TO AMEND SECTION 81-18-23, MISSISSIPPI CODE OF 1972, TO REQUIRE LICENSEES WHO ARE INVOLVED IN CIVIL ACTIONS TO NOTIFY THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY; TO AMEND SECTION 81-18-35, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH LICENSEE TO MAINTAIN A JOURNAL OF SERVICED LOANS AT ITS PRINCIPAL PLACE OF BUSINESS FOR ALL MISSISSIPPI RESIDENTIAL LOANS THAT THE LICENSEE OWNS AND/OR SERVICES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2696

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Business and Financial Institutions

By: Senator(s) Jackson (15th)

Senate Bill 2696

(As Sent to Governor)

AN ACT TO AMEND SECTION 81-18-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "QUALIFYING INDIVIDUAL" AS USED IN THE MISSISSIPPI S.A.F.E. MORTGAGE ACT; TO AMEND SECTION 81-18-9, MISSISSIPPI CODE OF 1972, TO REVISE THE CONTENTS OF THE MORTGAGE BROKER AND LENDER APPLICATIONS AND TO INCREASE THE INITIAL LOAN ORIGINATOR LICENSE FEE; TO AMEND SECTION 81-18-13, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN LICENSING PROCEDURES AND CRITERIA; TO AMEND SECTION 81-18-15, MISSISSIPPI CODE OF 1972, TO INCREASE THE LICENSE AND RENEWAL FEES FOR MORTGAGE BROKERS, MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTION 81-18-17, MISSISSIPPI CODE OF 1972, TO INCREASE THE BRANCH LICENSE AND RENEWAL FEES; TO AMEND SECTION 81-18-21, MISSISSIPPI CODE OF 1972, TO REVISE THE EXAMINATION FEE WHICH MAY BE CHARGED BY THE COMMISSIONER OF BANKING FOR THE EXAMINATION OF THE BOOKS AND RECORDS OF ANY LICENSEE; TO AMEND SECTION 81-18-23, MISSISSIPPI CODE OF 1972, TO REQUIRE LICENSEES WHO ARE INVOLVED IN CIVIL ACTIONS TO NOTIFY THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY; TO AMEND SECTION 81-18-35, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH LICENSEE TO MAINTAIN A JOURNAL OF SERVICED LOANS AT ITS PRINCIPAL PLACE OF BUSINESS FOR ALL MISSISSIPPI RESIDENTIAL LOANS THAT THE LICENSEE OWNS AND/OR SERVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 81-18-3, Mississippi Code of 1972, is amended as follows:

81-18-3. For purposes of this chapter, the following terms shall have the following meanings:

(a) "Application" means the submission of a borrower's financial information in anticipation of a credit decision, whether written or computer-generated. If the submission does not state or identify a specific property, the submission is an application for a prequalification and not an application for a federally related mortgage loan. The subsequent addition of an

identified property to the submission converts the submission to an application for a federally related mortgage loan.

(b) "Borrower" means a person who submits an application for a residential mortgage loan.

(c) "Branch" means a location of a company in or outside of the state that conducts business as a mortgage broker or mortgage lender. A location shall be considered a branch regarding mortgage broker or mortgage lender activities in any of the following:

(i) If the location is used on any type of advertisement;

(ii) If any type of record, loan file or application of the company is located at the location, with the exception of unstaffed storage facilities; or

(iii) If the activities of a mortgage loan originator occur at the location.

(d) "Commissioner" means the Commissioner of the Mississippi Department of Banking and Consumer Finance.

(e) "Commitment" means a statement by a lender required to be licensed under this chapter that sets forth the terms and conditions upon which the lender is willing to make a particular mortgage loan to a particular borrower.

(f) "Company" means a licensed mortgage broker or mortgage lender under this chapter.

(g) "Control" means the direct or indirect possession of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract or otherwise, and shall include "controlling," "controlled by," and "under common control with."

(h) "Department" means the Department of Banking and Consumer Finance of the State of Mississippi.

(i) "Depository institution" has the same meaning as in Section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(j) "Executive officer" means the chief executive officer, the president, the principal financial officer, the principal operating officer, each vice president with responsibility involving policy-making functions for a significant aspect of a person's business, the secretary, the treasurer, or any other

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person performing similar managerial or supervisory functions with respect to any organization whether incorporated or unincorporated.

(k) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(l) "Housing finance agency" means any authority that is chartered by a state to help meet the affordable housing needs of the residents of the state, is supervised directly or indirectly by the state government, is subject to audit and review by the state in which it operates, and whose activities make it eligible to be a member of the National Council of State Housing Agencies.

(m) "Immediate family member" means a spouse, child, sibling, parent, grandparent or grandchild. This term includes stepparents, stepchildren, stepsiblings and adoptive relationships.

(n) "Individual" means a "natural person."

(o) "License" means a license to act as a mortgage broker or mortgage lender issued by the department under this chapter.

(p) "Licensee" means a person who is required to be licensed as a mortgage broker or mortgage lender under this chapter.

(q) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed or exempt from licensing under this chapter.

For the purposes of this paragraph (q), the term "clerical or support duties" may include, after the receipt of an application:

(i) The receipt, collection, distribution and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) Communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include

offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

An individual engaging solely in loan processor or underwriter activities, shall not represent to the public, through advertising or other means of communicating or providing information including the use of business cards, stationery, brochures, signs, rate lists or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

(r) "Lock-in agreement" means a written agreement stating the terms of the lock-in fee.

(s) "Lock-in fee" means a fee collected by a licensee to be paid to a lender to guarantee an interest rate or a certain number of points on a mortgage loan from the lender.

(t) "Make a mortgage loan" means to advance funds, offer to advance funds or make a commitment to advance funds to a borrower.

(u) "Misrepresent" means to make a false statement of a substantive fact or to engage in, with intent to deceive or mislead, any conduct that leads to a false belief that is material to the transaction.

(v) "Mortgage broker" means any person who directly or indirectly or by electronic activity solicits, places or negotiates residential mortgage loans for others, or offers to solicit, place or negotiate residential mortgage loans for others that does not close residential mortgage loans in the company name, does not use its own funds, or who closes residential mortgage loans in the name of the company, and sells, assigns or transfers the loan to others within forty-eight (48) hours of the closing.

(w) "Mortgage lender" means any person who directly or indirectly or by electronic activity originates, makes, funds or purchases or offers to originate, make, or fund or purchase a residential mortgage loan or who services residential mortgage loans.

(x) "Mortgage_lending process" means the process through which a person seeks or obtains a mortgage loan, including, but not limited to, solicitation, application, origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of

the loan. Documents involved in the mortgage -lending process include, but are not limited to, uniform residential loan applications or other loan applications, appraisal reports, HUD-1 Settlement Statements, supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, payroll stubs and any required disclosures.

(y) "Mortgage loan originator" means an individual who:

(i) Takes a residential mortgage loan application; and

(ii) Offers or negotiates terms of a residential mortgage loan for compensation or gain. The term "mortgage loan originator" does not include:

* * *1. An individual engaged solely as a loan processor or underwriter except as otherwise provided in this chapter;

* * *2. A person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with Mississippi law, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator; and

* * *3. A person or entity solely involved in extensions of credit relating to time-share plans, as that term is defined in Title 11 USCS, Section 101(53D).

(z) "Nationwide Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators.

(aa) "Natural person" means a human being, as distinguished from an artificial person created by law.

(bb) "Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage.

(cc) "Offering or negotiating a residential mortgage loan" means:

(i) Presenting particular mortgage loan terms for consideration by a borrower; or

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(ii) Communicating directly or indirectly with a borrower for purposes of reaching a mutual understanding about prospective loan terms * * *.

"Offering or negotiating" does not include the following: the mere sharing of general information about a financing source; discussing hypothetical financing options, i.e., options not related to specific financing source; giving the homebuyer a list of available financing sources; discussing a buyer's ability to afford a home; presenting or discussing generic facts or generic rate sheets; closing personal property transactions.

(dd) "Person" means a natural person, sole proprietorship, corporation, company, limited liability company, partnership or association.

(ee) "Principal" means a person who, directly or indirectly, owns or controls an ownership interest of ten percent (10%) or more in a corporation or any other form of business organization, regardless of whether the person owns or controls the ownership interest through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, limited liability companies, partnerships, trusts, joint-stock companies, other entities or devises, or any combination thereof.

(ff) "Qualifying individual" means an owner or employee of a mortgage broker or mortgage lender who submits documentation of two (2) years' experience directly related to mortgage * * * activities and who shall be primarily responsible for the operations of the licensed mortgage broker or mortgage lender. This individual will also be designated as the qualifying individual in the Nationwide Mortgage Licensing System and Registry.

(gg) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

(i) Acting as a real estate agent or real estate broker for a buyer, seller, lessor or lessee of real property;

(ii) Bringing together parties interested in the sale, purchase, lease, rental or exchange of real property;

(iii) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental

or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(iv) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(v) Offering to engage in any activity, or act in any capacity, described in subparagraph (i), (ii), (iii) or (iv) of this paragraph (gg).

(hh) "Records" or "documents" means any item in hard copy or produced in a format of storage commonly described as electronic, imaged, magnetic, microphotographic or otherwise, and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

(ii) "Registered mortgage loan originator" means any individual who:

(i) Meets the definition of mortgage loan originator and is an employee of a depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency or an institution regulated by the Farm Credit Administration; and

(ii) Is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(jj) "Residential mortgage loan" means any loan primarily for personal, family or household use that is secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling (as defined in Section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(kk) "Residential real estate" means any real property located in Mississippi upon which is constructed or intended to be constructed a dwelling.

(ll) "Service a mortgage loan" means the collection or remittance for another, the right to collect or remit for another, or the collection of the company's own loan portfolio, whether or not the company originated, funded or purchased the loan in the secondary market, of payments of

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principal and interest, trust items such as insurance and taxes, and any other payments pursuant to a mortgage loan.

(mm) "Taking an application for a residential mortgage loan" means * * * a receipt of an application for the purpose of deciding whether or not to extend the requested offer of a loan to the borrower whether the application is received directly or indirectly from the borrower. However, an individual whose only role with respect to the application is physically handling a completed application form or transmitting a completed form to a lender on behalf of a prospective borrower does not take an application.

(nn) "Unique identifier" means a number or other identifier assigned by protocols established by the Nationwide Mortgage Licensing System and Registry.

SECTION 2. Section 81-18-9, Mississippi Code of 1972, is amended as follows:

81-18-9. (1) Applicants for a license shall apply in a form as prescribed by the commissioner. Each such form shall contain content as set forth by rule, regulation, instruction or procedure of the commissioner and may be changed or updated as necessary by the commissioner in order to carry out the purposes of this chapter.

(2) The mortgage broker and mortgage lender application through the Nationwide Mortgage Licensing System and Registry shall include, but is not limited to, the following:

(a) The legal name, residence and business address of the applicant and, if applicable, the legal name, residence and business address of every principal and executive officer, together with the rsum of the applicant and of every principal and executive officer of the applicant. In addition, an independent credit report obtained from a consumer__reporting agency described in Section 603(p) of the Fair Credit Reporting Act and information related to any administrative, civil or criminal findings by any governmental jurisdiction of every principal and executive officer.

(b) The legal name of the mortgage broker or mortgage lender in addition to the name under which the applicant will conduct business in the state, neither of which may be already assigned to a licensed mortgage broker or mortgage lender.

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(c) The complete address of the applicant's principal place of business, branch office(s) and any other locations at which the applicant will engage in any business activity covered by this chapter. All locations shall be within the United States of America or a territory of the United States of America, including Puerto Rico and the U.S. Virgin Islands.

(d) A copy of the certificate of incorporation, if a Mississippi corporation.

(e) Documentation satisfactory to the department as to a certificate of existence of authority to transact business lawfully in Mississippi from the Mississippi Secretary of State's office, if a limited liability company, partnership, trust or any other group of persons, however organized. This paragraph does not pertain to applicants organized as an individual or as a sole proprietorship.

(f) If a foreign entity, a copy of a certificate of authority to conduct business in Mississippi and the address of the principal place of business of the foreign entity.

(g) Documentation of a minimum of two (2) years' experience directly * * * related to mortgage * * * activities by a person named as the qualifying individual of the company. * * * The qualifying individual shall be primarily responsible for the operations of the licensed mortgage broker or mortgage lender. Only one (1) qualifying individual shall be named for Mississippi and this person shall be the qualifying individual for only one (1) licensee. * * * Evidence of experience shall include, where applicable:

(i) Copies of business licenses issued by governmental agencies.

(ii) * * * Employment history of the person filing the application for at least two (2) years before the date of the filing of an application, including, but not limited to, job descriptions, length of employment, names, addresses and phone numbers for past employers.

* * *

(* * * iii) Any other data and pertinent information as the department may require with respect to the applicant, its directors, principals, trustees, officers, members, contractors or agents. A rsum alone shall not be sufficient proof of employment history.

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(3) The * * * mortgage broker and mortgage lender applications shall be filed on the Nationwide Mortgage Licensing System and Registry together with the following:

(a) The license fee specified in Section 81-18-15;

(b) An original or certified copy of a surety bond in favor of the State of Mississippi for the use, benefit and indemnity of any person who suffers any damage or loss as a result of the company's breach of contract or of any obligation arising therefrom or any violation of law; and

(c) A set of fingerprints from any local law enforcement agency from the following applicants:

(i) All persons operating as a sole proprietorship that plan to conduct a mortgage__-brokering or lending business in the State of Mississippi;

(ii) Partners in a partnership or principal owners of a limited liability company that own at least ten percent (10%) of the voting shares of the company;

(iii) Any shareholders owning ten percent (10%) or more of the outstanding shares of the corporation;

(iv) All executive officers of the applicant;

(v) All loan originators; and

(vi) The named qualifying individual of the company as required in Section 81-18-9(2)(g). The applicant shall name only one (1) individual as the qualifying individual for the State of Mississippi.

(d) At least one (1) employee shall be licensed as a loan originator at a licensed location.

(4) In connection with an application for licensing as a mortgage broker or lender under this chapter, the required stockholders, owners, directors and executive officers of the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the individual's identity, including:

(a) Fingerprints from any local law enforcement agency for submission to the Federal Bureau of Investigation and any governmental entity authorized to receive that information for a state, national and international criminal history background check; and

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(b) Personal history and experience in a form prescribed by the Nationwide Mortgage Licensing System and Registry, including the submission of authorization for the Nationwide Mortgage Licensing System and Registry and the commissioner to obtain:

(i) An independent credit report obtained from a consumer-reporting agency described in Section 603(p) of the Fair Credit Reporting Act; and

(ii) Information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(5) Upon receipt of an application for licensure, the department or designated third party shall conduct an investigation as it deems necessary to determine that the applicant and its officers, directors and principals are of good character and ethical reputation; that the applicant demonstrates reasonable financial responsibility; and that the applicant has reasonable policies and procedures to receive and process customer grievances and inquiries promptly and fairly.

(6) The commissioner shall not license an applicant unless he is satisfied that the applicant will operate its mortgage activities in compliance with the laws, rules and regulations of this state and the United States.

(7) If an applicant satisfies the requirements of this chapter for a mortgage broker or mortgage lender license, the commissioner shall issue the license unless the commissioner finds any of the following:

(a) The applicant has had a mortgage lender, mortgage broker or mortgage servicer license revoked in any governmental jurisdiction, except that a subsequent formal vacation of the revocation shall not be deemed a revocation; or

(b) The applicant or its controlling persons has been convicted of, or pled guilty or nolo contendere to, (i) a felony in a domestic, foreign or military court during the seven-year period preceding the date of application for licensing; or (ii) a crime at any time preceding the date of application involving an act of fraud, dishonesty, a breach of trust, or money laundering, or (iii) a misdemeanor of fraud, theft, forgery, bribery, embezzlement or making a fraudulent or false statement in any jurisdiction. However, any pardon

or expungement of a conviction shall not be a conviction for purposes of this subsection.

(* * *8) Applicants for a mortgage loan originator license shall apply in a form as prescribed by the commissioner and shall be filed on the Nationwide Mortgage Licensing System and Registry. Each such form shall contain content as set forth by rules, regulations, instructions or procedures of the commissioner and may be changed or updated as necessary by the commissioner in order to carry out the purposes of this chapter. The initial license of a mortgage loan originator shall be accompanied by a fee of * * * Two Hundred Dollars (\$200.00), to be paid to the Nationwide Mortgage Licensing System and Registry, and any additional fees as required by the Nationwide Mortgage Licensing System and Registry. The commissioner shall not issue a mortgage loan originator license unless the commissioner makes at a minimum the following findings:

(a) The applicant has never had a mortgage loan originator license revoked in any governmental jurisdiction, except that a later formal vacation of that revocation shall not be deemed a revocation.

(b) The applicant has not been convicted of, or pled guilty or nolo contendere to, (i) a felony in a domestic, foreign or military court during the seven-year period preceding the date of application for licensing * * *; or (ii) a crime * * * at any time preceding the date of application involving an act of fraud, dishonesty, a breach of trust or money laundering; or (iii) a misdemeanor of fraud, theft, forgery, bribery, embezzlement or making a fraudulent or false statement in any jurisdiction.* * * However, any pardon or expungement of a conviction shall not be a conviction for purposes of this subsection.

(c) The applicant has demonstrated financial responsibility, character and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly and efficiently within the purposes of this chapter.

(d) The applicant has completed the prelicensing education requirement described in Section 81-18-14(1).

(e) The applicant has passed a written test that meets the test requirement described in Section 81-18-14(7).

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(f) The applicant has met the surety bond requirement as provided in Section 81-18-11.

(g) This individual must work for a Mississippi licensed company and work from the location licensed with the department. The licensed location that he or she is assigned to must be within one hundred twenty-five (125) miles of his or her residency. If the licensed loan originator resides and works in Mississippi, then he or she may work from any licensed location of the licensed company within the State of Mississippi. However, an owner of a minimum of ten percent (10%) of a licensed company or the named qualifying individual on file with the department, who is a licensed loan originator with the department, may work from any licensed location of the licensed company within the State of Mississippi in the capacity of a loan originator as described in this chapter.

* * *

(* * *9) In order to fulfill the purposes of this chapter, the commissioner is authorized to establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this chapter.

(* * *10) In connection with an application for licensing as a mortgage loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including:

(a) Fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive that information for a state, national and international criminal history background check; and

(b) Personal history and experience in a form prescribed by the Nationwide Mortgage Licensing System and Registry, including the submission of authorization for the Nationwide Mortgage Licensing System and Registry and the commissioner to obtain:

(i) An independent credit report obtained from a consumer reporting agency described in Section 603(p) of the Fair Credit Reporting Act; and

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(ii) Information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(* * *11) For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (* * *10) (a) and (b) (ii) of this section, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting information from and distributing information to the Department of Justice or any governmental agency.

(* * *12) For the purposes of this section and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subsection (* * *10) (b) (i) and (ii) of this section, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

SECTION 3. Section 81-18-13, Mississippi Code of 1972, is amended as follows:

81-18-13. (1) In order to fulfill the purposes of this chapter, the commissioner is authorized to establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this chapter.

* * *

(* * *2) Within thirty (30) days after receipt of a completed application, final verification from the Department of Public Safety and/or FBI, and payment of licensing fees prescribed by this chapter, the department shall either grant or deny the request for license. However, if the Federal Financial Institutions Examination Council (FFIEC) prescribes a lesser period of time within which the department shall either grant or deny the request for license, then that time limitation shall supersede this subsection.

(* * *3) A person shall not be indemnified for any act covered by this chapter or for any fine or penalty incurred under this chapter as a result of any violation of this chapter or regulations adopted under this chapter, due to the legal form, corporate structure, or choice of organization

of the person, including, but not limited to, a limited liability corporation.

SECTION 4. Section 81-18-15, Mississippi Code of 1972, is amended as follows:

81-18-15. (1) Each mortgage broker and mortgage lender license shall remain in full force and effect until relinquished, suspended, revoked or expired. With each initial application for a license to operate as a mortgage broker or mortgage lender, the applicant shall pay through the Nationwide Mortgage Licensing System and Registry to the commissioner a license fee of * * * One Thousand Five Hundred Dollars (\$1,500.00); however, if the initial mortgage broker or mortgage lender license is issued between November 1 and December 31, the license will expire December 31 of the following licensing year. Upon the expiration of the initial license, the licensee shall pay an annual renewal fee of * * * One Thousand Dollars (\$1,000.00) on or before December 31 of each year. If the annual renewal fee remains unpaid, the license shall expire, but not before December 31 of any year for which the annual renewal fee has been paid. If * * * the renewal fee is not paid before the expiration date of the license, then the * * * licensee shall be liable for the initial license fee, which is * * * One Thousand Five Hundred Dollars (\$1,500.00), plus a penalty in an amount not to exceed Twenty-five Dollars (\$25.00) for each day * * * after the expiration of * * * the license. All licensing fees and penalties shall be paid into the Consumer Finance Fund of the department. If the application is withdrawn or denied, the application fee along with any other applicable fee are not refundable.

(2) The minimum standards for license renewal for mortgage loan originators shall include the following:

(a) The mortgage loan originator continues to meet the minimum standards for license issuance under Section 81-18-9(4).

(b) The mortgage loan originator has satisfied the annual continuing education requirements described in Section 81-18-15(5).

(c) The mortgage loan originator has paid all required fees for renewal of the license. Annual renewals of this

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license shall require a fee of * * * One Hundred Dollars (\$100.00).

(3) The license of a mortgage loan originator failing to satisfy the minimum standards for license renewal shall expire. The commissioner may adopt procedures for the reinstatement of expired licenses consistent with the standards established by the Nationwide Mortgage Licensing System and Registry. If the renewal fee remains unpaid, the license shall expire, but not before December 31 of any year for which the annual renewal fee has been paid. However, if the initial loan originator license is issued between November 1 and December 31, the license will expire December 31 of the following licensing year. If the renewal fee is not paid before the expiration date of the license, the mortgage loan originator shall be liable for the initial license fee, which is * * * Two Hundred Dollars (\$200.00), in order to renew.

(4) Any licensee making timely and proper application for a license renewal shall be permitted to continue to operate under its existing license until its application is approved or rejected, but shall not be released from or otherwise indemnified for any act covered by this chapter or for any penalty incurred under this chapter as a result of any violation of this chapter or regulations adopted under this chapter, pending final approval or disapproval of the application for the license renewal.

(5) In order to meet the annual continuing education requirements referred to in Section 81-18-15(2)(b), a licensed mortgage loan originator shall complete at least twelve (12) hours of education approved in accordance with subsection (2) of this section, which shall include at least:

(a) Three (3) hours of federal law and regulations;

(b) Two (2) hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues;

(c) Two (2) hours of training related to lending standards for the nontraditional mortgage product marketplace; and

(d) Two (2) hours of education related to the Mississippi S.A.F.E. Mortgage Act.

(6) For the purposes of subsection (5) of this section, continuing education courses shall be reviewed, and approved

by the Nationwide Mortgage Licensing System and Registry based upon reasonable standards. Review and approval of a continuing education course shall include review and approval of the course provider.

(7) Nothing in this section shall preclude any education course, as approved by the Nationwide Mortgage Licensing System and Registry, that is provided by the employer of the mortgage loan originator or an entity that is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or entity.

(8) Continuing education may be offered either in a classroom, online or by any other means approved by the Nationwide Mortgage Licensing System and Registry.

(9) A licensed mortgage loan originator:

(a) Except for Section 81-18-15(3) and subsection (13) of this section, may only receive credit for a continuing education course in the year in which the course is taken; and

(b) May not take the same approved course in the same or successive years to meet the annual requirements for continuing education * * *.

(10) A licensed mortgage loan originator who is an approved instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual continuing education requirement at the rate of two (2) hours credit for every one (1) hour taught.

(11) A person having successfully completed the education requirements approved by the Nationwide Mortgage Licensing System and Registry in subsection (5) of this section for any state shall be accepted as credit towards completion of continuing education requirements in Mississippi.

(12) A licensed mortgage loan originator who later becomes unlicensed must complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

(13) A person meeting the requirements of Section 81-18-15(2)(a) and (c) may make up any deficiency in continuing education as established by rule or regulation of the commissioner.

SECTION 5. Section 81-18-17, Mississippi Code of 1972, is amended as follows:

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81-18-17. (1) A license may not be transferred or assigned.

(2) No licensee shall transact business under any name other than that designated in the license.

(3) A licensed mortgage broker or mortgage lender shall notify the department through the Nationwide Mortgage Licensing System and Registry of any change in the address of its principal place of business or of any change in the address of an additional licensed branch location within thirty (30) days of the change.

(4) No licensee shall open a branch office in this state or a branch office outside this state from which the licensee has direct contact with consumers regarding origination or brokering Mississippi residential property, without prior approval of the department. An application for any branch office shall be made through the Nationwide Mortgage Licensing System and Registry on a form prescribed by the department, which shall include at least evidence of compliance with subsection (1) of Section 81-18-25 as to that branch and shall be accompanied by payment of a nonrefundable application fee of * * * Three Hundred Dollars (\$300.00) and at least one (1) loan originator application licensed at that branch office. The application shall be approved unless the department finds that the applicant has not conducted business under this chapter in accordance with law. Each branch office that currently holds a branch license shall renew that branch license before the expiration date of the main company license, on or before December 31; however, if the initial branch license is issued between November 1 and December 31, the license will expire December 31 of the following licensing year. The license renewal shall be on a form prescribed by the department with a nonrefundable renewal application fee of * * * One Hundred Dollars (\$100.00). If the annual renewal fee remains unpaid, the license shall expire, but not before December 31 of any year for which the annual renewal fee has been paid. If the renewal fee is not paid before the expiration date of the license, the branch shall be liable for the initial license fee, which is * * * Three Hundred Dollars (\$300.00), in order to renew.

(5) A licensed mortgage broker or mortgage lender shall notify the department within thirty (30) days by submitting a sponsorship removal in the Nationwide Mortgage Licensing System and Registry when a loan originator is released from

its employment. In addition, the licensed mortgage broker or mortgage lender shall notify the department within thirty (30) days through the Nationwide Mortgage Licensing System and Registry when there is a change of the qualifying individual of the licensee.

SECTION 6. Section 81-18-21, Mississippi Code of 1972, is amended as follows:

81-18-21. (1) Any person required to be licensed under this chapter shall maintain in its offices, or such other location as the department shall permit, the books, accounts and records necessary for the department to determine whether or not the person is complying with the provisions of this chapter and the rules and regulations adopted by the department under this chapter. These books, accounts and records shall be maintained apart and separate from any other business in which the person is involved and may represent historical data for three (3) years preceding the date of the last license application date forward. The books, accounts and records shall be kept in a secure location under conditions that will not lead to their damage or destruction. If the licensee wishes to keep the files in a location other than the location listed on the license, then the licensee first must submit a written request on a form designated by the department and gain written approval from the commissioner before storing the files at an off-site secure location.

(2) To assure compliance with the provisions of this chapter, the department may examine the books and records of any licensee without notice during normal business hours. The commissioner shall charge the licensee an examination fee in an amount not less than Three Hundred Dollars (\$300.00) nor more than Six Hundred Dollars (\$600.00) * * * per day with a maximum examination fee of Two Thousand Four Hundred Dollars (\$2,400.00) for each office or location within the State of Mississippi, and an examination fee in an amount not less than Three Hundred Dollars (\$300.00) nor more than Eight Hundred Dollars (\$800.00) per day for each office or location outside the State of Mississippi, plus any actual expenses incurred while examining the licensee's records or books that are located outside the State of Mississippi. However, in no event shall a licensee be examined more than once in a two-year period unless for cause shown based upon consumer

complaint and/or other exigent reasons as determined by the commissioner.

(3) The department, its designated officers and employees, or its duly authorized representatives, for the purposes of discovering violations of this chapter and for the purpose of determining whether any person or individual reasonably suspected by the commissioner of conducting business that requires a license under this chapter, may investigate those persons and individuals and examine all relevant books, records and papers employed by those persons or individuals in the transaction of business, and may summon witnesses and examine them under oath concerning matters as to the business of those persons, or other such matters as may be relevant to the discovery of violations of this chapter, including, without limitation, the conduct of business without a license as required under this chapter.

(4) Each licensee, individual or person subject to this chapter shall make available to the commissioner upon request the books and records relating to the operations of the licensee, individual or person subject to this chapter. The commissioner shall have access to those books and records and interview the officers, principals, mortgage loan originators, employees, independent contractors, agents, and customers of the licensee, individual or person subject to this chapter concerning their business.

(5) Each licensee, individual or person subject to this chapter shall make or compile reports or prepare other information as directed by the commissioner in order to carry out the purposes of this section, including, but not limited to:

(a) Accounting compilations;

(b) Information lists and data concerning loan transactions in a format prescribed by the commissioner; or

(c) Such other information deemed necessary to carry out the purposes of this section.

(6) In making any examination or investigation authorized by this chapter, the commissioner may control access to any documents and records of the licensee or person under examination or investigation. The commissioner may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place

where they are usually kept. During the period of control, no individual or person shall remove or attempt to remove any of the documents and records except under a court order or with the consent of the commissioner. Unless the commissioner has reasonable grounds to believe the documents or records of the licensee have been or are at risk of being altered or destroyed for purposes of concealing a violation of this chapter, the licensee or owner of the documents and records shall have access to the documents or records as necessary to conduct its ordinary business affairs.

(7) The commissioner shall report regularly violations of this chapter, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry subject to the provisions contained in Section 81-18-63.

(8) Examinations and investigations conducted under this chapter and information obtained by the department, except as provided in subsection (7) of this section, in the course of its duties under this chapter are confidential.

(9) In the absence of malice, fraud or bad faith a person is not subject to civil liability arising from the filing of a complaint with the department, furnishing other information required by this chapter, information required by the department under the authority granted in this chapter, or information voluntarily given to the department related to allegations that a licensee or prospective licensee has violated this chapter.

(10) In order to carry out the purposes of this section, the commissioner may:

(a) Accept and rely on examination or investigation reports made by other government officials, within or without this state; or

(b) Accept audit reports made by an independent certified public accountant for the licensee, individual or person subject to this chapter in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation or other writing of the commissioner.

(11) The authority of this section shall remain in effect, whether such a licensee, individual or person subject to

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this chapter acts or claims to act under any licensing or registration law of this state, or claims to act without that authority.

(12) No licensee, individual or person subject to investigation or examination under this section may knowingly withhold, abstract, remove, mutilate, destroy or secrete any books, records, computer records or other information.

SECTION 7. Section 81-18-23, Mississippi Code of 1972, is amended as follows:

81-18-23. (1) Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

(2) The department, in its discretion, may relieve any company from the payment of any penalty, in whole or in part, for good cause.

(3) If a company fails to pay a penalty from which it has not been relieved, the department may maintain an action at law to recover the penalty.

(4) Within fifteen (15) days of the occurrence of any of the following events, a company shall file with the Nationwide Mortgage Licensing System and Registry the applicable change in the disclosure questions and shall submit the information through the Nationwide Mortgage Licensing System and Registry or file a written report with the commissioner describing the event and its expected impact on the activities of the company in this state:

(a) The filing for bankruptcy or reorganization by the company;

(b) The institution of revocation or suspension proceedings against the company by any state or governmental authority;

(c) Any felony indictment of the company or any of its directors, executive officers, qualifying individual or loan originators;

(d) Any felony conviction of the company or any of its directors, executive officers, qualifying individual or loan originators; or

(e) Any misdemeanor conviction, in which fraud is an essential element, of any of the company's directors, executive officers, qualifying individual or loan originators.

(5) * * * Licensees who are involved in civil actions shall notify the Nationwide Mortgage Licensing System and Registry within sixty (60) days of the occurrence. An explanation and supporting documentation for each civil action concerning the company shall be submitted through the Nationwide Mortgage Licensing System and Registry. The department may require additional information as necessary.

SECTION 8. Section 81-18-35, Mississippi Code of 1972, is amended as follows:

81-18-35. (1) Each licensee shall maintain a journal of mortgage transactions at the principal place of business as stated on its license* * * for all Mississippi residential loans that the licensee originated and/or funded. This journal shall be separate from non-Mississippi loans. The journal shall include at least the following information:

(a) Name of applicant and co-applicant, if applicable;

(b) Date of application; and

(c) Disposition of loan application, indicating date of loan closing, loan denial, withdrawal and name of lender if applicable.

(2) Each licensee shall maintain a journal of serviced loans at the principal place of business as stated on its license, for all Mississippi residential loans that the licensee owns and/or services. This journal shall be kept separate from non-Mississippi loans. The journal shall include at least the following information:

(a) The number of mortgage loans the licensee is servicing;

(b) The type and characteristics of the loans;

(c) The number of serviced loans in default, along with a breakdown of thirty-, sixty- and ninety-day delinquencies;

(d) Information on loss mitigation activities, including details on workout arrangements undertaken; and

(e) Information on foreclosures commenced.

SECTION 9. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2730

Description: Levee commissioners; authorize surveyors to enter on lands.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 532

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (S) | Referred To Judiciary, Division A |
| 2 | 01/31 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/06 | (S) | Committee Substitute Adopted |
| 4 | 02/06 | (S) | Passed {Vote} |
| 5 | 02/07 | (S) | Transmitted To House |
| 6 | 02/21 | (H) | Referred To Judiciary A |
| 7 | 02/28 | (H) | Title Suff Do Pass As Amended |
| 8 | 03/07 | (H) | Amended |
| 9 | 03/07 | (H) | Passed As Amended {Vote} |
| 10 | 03/11 | (H) | Returned For Concurrence |
| 11 | 03/21 | (S) | Decline to Concur/Invite Conf |
| 12 | 03/27 | (S) | Conferees Named Hopson, Clarke, Parker |
| 13 | 03/29 | (H) | Conferees Named Baker, Reynolds, Bailey |
| 14 | 04/01 | (S) | Conference Report Filed |
| 15 | 04/01 | (H) | Conference Report Filed |
| 16 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 17 | 04/03 | (S) | Conference Report Adopted {Vote} |
| 18 | 04/08 | (S) | Enrolled Bill Signed |
| 19 | 04/08 | (H) | Enrolled Bill Signed |
| 20 | 04/24 | | Approved by Governor |

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2730

Conference Reports:

| Conference Report

----- Additional Information -----

Senate Committee: Judiciary, Division A

House Committee: Judiciary A

Principal Author: Clarke

Title: AN ACT TO AMEND SECTION 17, CHAPTER 1, LAWS OF 1865, AS AMENDED BY SECTION 3, CHAPTER 169, LAWS OF 1884, AS AMENDED BY CHAPTER 92, LAWS OF 1904, AS AMENDED BY CHAPTER 421, LAWS OF 1950, AS AMENDED BY CHAPTER 304, LAWS OF 1952, AS AMENDED BY CHAPTER 347, LAWS OF 1991, AS AMENDED BY CHAPTER 359, LAWS OF 1997, AS AMENDED BY CHAPTER 385, LAWS OF 2011, TO AUTHORIZE ENTRY BY THE MISSISSIPPI LEVEE BOARD ONTO LANDS FOR SURVEYING AND OTHER PURPOSES; TO AMEND SECTION 1, CHAPTER 426, LAWS OF 1950, TO AUTHORIZE ENTRY BY THE YAZOO-MISSISSIPPI DELTA LEVEE BOARD ONTO LANDS FOR SURVEYING AND OTHER PURPOSES; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2730

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division A

By: Senator(s) Clarke

Senate Bill 2730

(As Sent to Governor)

AN ACT TO AMEND SECTION 17, CHAPTER 1, LAWS OF 1865, AS AMENDED BY SECTION 3, CHAPTER 169, LAWS OF 1884, AS AMENDED BY CHAPTER 92, LAWS OF 1904, AS AMENDED BY CHAPTER 421, LAWS OF 1950, AS AMENDED BY CHAPTER 304, LAWS OF 1952, AS AMENDED BY CHAPTER 347, LAWS OF 1991, AS AMENDED BY CHAPTER 359, LAWS OF 1997, AS AMENDED BY CHAPTER 385, LAWS OF 2011, TO AUTHORIZE ENTRY BY THE MISSISSIPPI LEVEE BOARD ONTO LANDS FOR SURVEYING AND OTHER PURPOSES; TO AMEND SECTION 1, CHAPTER 426, LAWS OF 1950, TO AUTHORIZE ENTRY BY THE YAZOO-MISSISSIPPI DELTA LEVEE BOARD ONTO LANDS FOR SURVEYING AND OTHER PURPOSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 17, Chapter 1, Laws of 1865, as amended by Section 3, Chapter 169, Laws of 1884, as amended by Chapter 92, Laws of 1904, as amended by Chapter 421, Laws of 1950, as amended by Chapter 304, Laws of 1952, as amended by Chapter 347, Laws of 1991, as amended by Chapter 359, Laws of 1997, as amended by Chapter 385, Laws of 2011, is amended as follows:

Section 17. Where "commissioners to assess levee damages" shall not have heretofore been appointed or qualified and as soon as practicable after the passage of this act, it shall be the duty of the circuit judges of the several districts in which the Counties of Bolivar, Washington, Issaquena, Sharkey, and* * * those parts of Warren and Humphreys* * * Counties in the Mississippi Levee District, are respectively situated, to appoint, in writing, and certify same to the clerk of his court in each county, three (3) disinterested, resident freeholders of said counties, or part of county, to be known as "commissioners to assess levee damages."

Said commissioners shall hold their offices for the terms now provided by law, or until their successors shall have been appointed and qualified. And thereafter their terms of office shall be four (4) years and until their successors are duly appointed and qualified, to be appointed in like

manner by said circuit judges. They shall be appointed on or before the first Monday in July in every fourth year, if practicable, and at all events their appointments shall be made on or before the first Monday in October succeeding the July in which said appointments should have been made and if not then made the then incumbents shall continue to hold their said offices for the next succeeding term which said term shall commence on the second Monday in July of every fourth year. In the event of a vacancy, or vacancies, in said offices, or of removal from said counties, or part of a county, by a commissioner, or commissioners, for which he, or they, may have been appointed, a vacancy, or vacancies, in said office shall occur. It shall thereupon be the duty of said circuit judge, or judges, as soon as notified of said vacancy or vacancies, to fill the unexpired term, or terms, of said offices by appointment as aforesaid. The appointment by said judge shall be duly recorded in the minute book of this court by the circuit clerk of the proper county and he shall certify on the original appointment that it has been so recorded and that said commissioner has duly taken and subscribed the oath required by law. The record of his said appointment as aforesaid, and the taking and subscribing the oath herein required shall constitute the qualifications of office by said commissioners and authorize them severally to enter upon the discharge of the duties of the same. The oath to be taken shall be that they will make a just and true award of the compensation to be paid any landholder or holders, or other person, by reason of the appropriation of his or their property for the purpose of building, repairing or maintaining the public levee; and by reason of the appropriation of his or their property along the Yazoo River system, which Yazoo River is a tributary of the Mississippi River, and its tributaries in the Yazoo Basin in the Mississippi River Levee District, for the purpose of building, repairing or maintaining levees, drainage ditches, cut-offs, channel rectifications, and all other works and improvements along the Yazoo River system and its tributaries, and along the Big Sunflower, the Little Sunflower and the Hushpuckena Rivers, and their tributaries, and along Bogue Phalia, Deer Creek, Steele Bayou, and their tributaries in the Yazoo Basin in said Mississippi Levee District, and along all other streams and water courses in the Yazoo Basin in said Mississippi Levee district, for all projects, works or improvements in said Mississippi Levee

District heretofore or hereafter authorized by the United States in the Yazoo River Basin, and in the Yazoo Basin for flood control and major drainage in said Mississippi Levee District. Said commissioners in making up their award shall ascertain and determine the cash value of the land or material occupied or used, for the right-of-way for said levee or for other levee purposes, or for said drainage ditches, cut-offs, channel improvements, channel rectifications, or other works and improvements along all said streams and water courses, and also the damages caused to the 9 owner's adjacent property by reason of the use of his land or other property for right-of-way for said levee or for other levee purposes, and such cash value and damages shall make up the sum of their said award. Said commissioners shall only have authority to act for the county or part of county for which they are appointed, and in said county or part of county they shall have the exclusive right to assess the award compensation and damages for land or material taken or damaged as aforesaid in the construction, maintenance, or repair of levees, or other works and improvements. Any two (2) of said commissioners may act, and if three (3) are present, then any two (2) of said three (3) may agree upon the award to be made. If two (2) of said commissioners cannot agree upon the award to be made, then it shall be their duty immediately to call in a disinterested resident freeholder of said county or part of county, and submit the point in dispute to him, and he shall decide same. Said award shall be reduced in writing and signed by at least two (2) of said commissioners and if a disinterested resident freeholder has been called in as provided, it shall so state, and he also shall sign said award. The award so signed shall be delivered to the treasurer of the Board of Mississippi Levee Commissioners. Upon the payment or tender of the amount of said award, it shall be lawful for the said Board of Levee Commissioners to proceed forthwith to locate and build the levee or other works and improvements, or use the property condemned. Upon payment of said award, the treasurer or said board shall cause the person to whom the payment is made to acknowledge the payment of the same on said award, and he shall then deliver the same to the chancery clerk of the county to be recorded, together with the receipt thereon. In the event that the owner or owners of said land, material or other property are unknown, or that said commissioners of damages are uncertain who they are, or there are conflicting

claims to the amount of said award, or part thereof, then said levee treasurer may pay the same to the chancery clerk of the property county for such person as it may properly belong to, and take said clerk's receipt as is provided for herein for the owner, and cause the same to be recorded as before provided, and said clerk and his sureties shall be answerable on his official bond for the safekeeping of said money. If said Board of Mississippi Levee Commissioners, or its duly authorized agent in such matters, or any party interested is dissatisfied with said award, then the party feeling aggrieved may, within ten (10) days from the date of said award, and not after, appeal to the chancery court of the county in which the land or property is situated, by filing in the office of the chancery clerk of said county a written statement distinctly setting forth the matters of law or fact, or both complained of, and thereupon the clerk of said court shall issue a summons, or make publication if the opposite party is a nonresident, as in other cases of nonresidents, requiring the opposite party to appear at the next term of said chancery court, to be held not less than five (5) days after service of said notice, or not less than three (3) weeks after said publication is first made, and answer or demur to said statement; and at the term of the court to which said summons or process of publication is returnable, the court shall cause the proper issues of law or fact to be made up, and upon such issues, and under the instructions of the court, such appeal shall be tried at that term before a jury of twelve (12) disinterested freeholders, or by consent of all parties before the chancellor, and either party may prosecute an appeal from said chancery court to the Supreme Court.

On appeal to the chancery court from the award of said commissioners, the chancellor shall appoint a competent deputy, or deputies, to summon twenty-four (24) disinterested freeholders, qualified under the law to sit on juries, to try such cases.

Each side shall have the right to challenge six (6) jurors. And in counties having two (2) judicial districts, twelve (12) freeholders shall be taken from each district, from which a jury of twelve (12) shall be selected.

The said treasurer shall furnish to any party interested demanding the same a certified copy of said award, and such certified copy shall be competent evidence in any proceeding

in any court of this state. In the event of an appeal from the award of said commissioners by either party, the treasurer of said Board of Mississippi Levee Commissioners may deposit with the chancery court clerk of the county in which the property is situated the amount of said award, for the safekeeping and proper disposition of which said clerk shall be liable on his official bond or upon application of either party the chancellor may make a written order requiring such deposit to be made with some other person, and in some other place, and upon such conditions as he may prescribe to secure the safekeeping of said deposit, and upon said deposit being made, it shall be lawful for said board to proceed with the construction of said levee, or to use said material or property in the same manner as if said award had been accepted and paid to the party entitled thereto, and no injunction shall be granted by any court to prevent said board building said levee or using said material or other property as aforesaid; nor shall it be in any way hindered or obstructed or delayed therein. And if, upon a final decision of said appeal, said board shall be required to pay only the amount, or less than the amount of said award, then the party defeated in such appeal shall pay all costs, but if it is decided that said board shall pay more than said award, then said board shall forthwith pay such excess over said amount of said award and all costs. Said board may at any time before proceeding with the work of construction, or before using any material or other property, refuse to accept said award, and locate the levee anew, or decline to use said material or other property, if in its judgment the interest of its district would be thereby subserved. The remedy hereby provided for determining the compensation and damages to be paid for the right-of-way and for the use of material and other property for the levees and for said other rights-of-way for said other works and improvements may be resorted to by either said Board of Mississippi Levee Commissioners, or any person interested and it shall be exclusive of all other remedies. When said levee board deems it necessary to take and use any right-of-way land, material or other property for levee purposes, or for other works and improvements, or when the same has already been so taken and used, or is about to be so taken and used, then said Board of Levee Commissioners, by its president, attorney or other authorized agent, or any person interested, may file a petition with the clerk of the circuit court of

the county in which the property is situated, describing as nearly as may be the property taken or proposed to be taken, and asking that the commissioners herein provided for be assembled to make an award touching the same, and thereupon said clerk shall issue his warrant to the sheriff of said county, requiring him to summon said commissioners, on a day therein named, to go upon the ground where said property is and view the same, and to make their award as required by law. Such warrant shall be served on said commissioners, or such of them as can be found in the county, at least five (5) days prior to the day on which they are to assemble, and on the opposite party, if to be found in the county, at least two (2) days prior to such date or by posting notice on the land for at least two (2) days prior to the meeting of said commissioners when said party is not to be found in said county. The commissioners provided by this act shall be paid, out of the treasuries of their respective counties, a per diem as authorized by Section 25-3-69, Mississippi Code of 1972, for each day or fraction thereof spent in actual discharge of official duties, and shall be reimbursed for mileage and actual expenses incurred in the performance of their official duties at the rate authorized for county employees under Section 25-3-41, Mississippi Code of 1972, such payments to be made by the county treasurers upon the certificate of each commissioner, verified by his affidavit. For executing the process herein required, and for recording verdict, the sheriff and deputies appointed and clerk of the respective counties shall be entitled to the fees now allowed by law for summoning juries and recording deeds respectively, to be paid by the treasurer of said levee board. Said Board of Mississippi Levee Commissioners may at all times settle or compromise by agreement with the owner or owners, or if such owner or owners be minors or insane persons, or if the property belongs to an estate, then with the guardian, executor, or administrator as the case may be, all claims for compensation or damages on account of the rights-of-way or material for the construction, maintenance or repair of levees, and such guardian, executor, or administrator shall be responsible on their bond for the money or other thing received in such settlement. Said Board of Levee Commissioners is hereby authorized to enter upon, take, use and appropriate any property in said levee district for the purpose of constructing, maintaining and repairing its said levee in accordance with the provisions of this

section. The said Board of Levee Commissioners for the said Mississippi Levee District is also hereby authorized to enter upon, take, use and appropriate, any property in said levee district along the Yazoo River system, which Yazoo River is a tributary of the Mississippi River, and its tributaries in the Yazoo Basin, necessary to furnish rights-of-way for levees, drainage ditches, cut-offs, channel improvements, channel rectifications, or other works and improvements along the Yazoo River system and its tributaries, and along the Big Sunflower, the Little Sunflower, and the Hushpuckena Rivers, and their tributaries in the Yazoo Basin, and along all other streams and water courses in the Yazoo Basin in the Mississippi Levee District, as required for all projects, works, and improvements heretofore or hereafter authorized by the United States in the Yazoo River Basin and in the Yazoo Basin for flood control and major drainage in said Mississippi Levee District in accordance with the provisions of this section: Provided, that if one or more said commissioners shall be interested in any property to be condemned under this section, such interested commissioner or commissioners shall not act in regard to the condemnation of such property, and that for that occasion and that special purpose, it shall be the duty of such circuit judge or judges to appoint in the place of such commissioner or commissioners other disinterested freeholders who shall act in their stead. The Board of Mississippi Levee Commissioners may, in its discretion, by acts spread upon its minutes, elect to acquire any or all of the lands to be condemned or acquired in fee simple and if such election is made to acquire said lands in fee simple, the damage commissioners appointed and qualified shall assess as damages the full value of the fee of said lands to be acquired or so much thereof as is to be acquired in fee. The board may also elect to reacquire any lands presently held in easement by like resolution and if such election is made, the damage commissioners shall assess as damages the value of the remainder or reversionary interests to be acquired.

The Board of Mississippi Levee Commissioners or its partner, the United States Army Corps of Engineers, or both, are authorized to enter into and onto lands for the purposes of surveys, soil borings or other official business for levee purposes, but shall be liable for any damages done to the land or to persons. Personnel utilized to perform surveys, soil

borings or other official business for levee purposes shall make a good-faith attempt to announce and identify themselves and their intentions before entering private property and, upon request, shall present documentation sufficient to identify them as such authorized personnel.

SECTION 2. Section 1, Chapter 426, Laws of 1950, is amended as follows:

Section 1. That Section 2 of the act of May 18, 1897, entitled an act to repeal Section 3 of an act entitled an act to incorporate the Board of Levee Commissioners for the Yazoo-Mississippi Delta, and for other purposes, approved February 28, 1884, and to provide a method for the exercise of the right of eminent domain by said board, approved February 7, 1894, and to repeal an act entitled an act to incorporate the Board of Levee Commissioners of the Yazoo-Mississippi Delta, and for other purposes, approved February 28, 1884, enlarging the powers of said board so that they may give relief to the levees and lands adjacent thereto injured by sipe and rainwater, approved March 23, 1896, and to provide a method for the exercise of the right of eminent domain by said Board of Levee Commissioners, and to enlarge the powers of said board so that they may give relief to the levees and lands adjacent thereto injured by sipe or rainwater, be and the same is hereby amended to read as follows:

Section 2. The said Board of Levee Commissioners for the Yazoo-Mississippi Delta be and it is hereby authorized and empowered to enter upon, take and hold any land or premises whatever, whether by purchase, grant or donation, devise or otherwise, and to acquire the fee simple title thereto that way be necessary and proper for the location, construction, repair or maintenance of the line of levees provided for in the act incorporating said board, entitled an act to incorporate the Board of Levee Commissioners of the Yazoo-Mississippi Delta, and for other purposes, approved February 28, 1884, also for the cutting of ditches for the purpose of relieving said levees and the lands adjacent thereto from injury by sipe or rainwater, and said board is also empowered to cut and remove trees, timber and other material that might by falling or otherwise encumber or endanger said levees, ditches or any part thereof, and the said Board of Levee Commissioners for the Yazoo-Mississippi Delta Levee District is hereby authorized and empowered to enter upon, take and hold any land

by fee simple title, easements, rights of way or premises whatsoever whether by purchase, grant, donation, devise or otherwise that may be necessary for the proper location and construction of the levees or drainage ditches, cut-offs, channel improvements, or channel rectifications, or other works, improvements, or projects* * * heretofore or hereafter authorized by the United States for flood control and major drainage in the Yazoo Basin along the Yazoo-Tallahatchie-Coldwater Rivers and their tributaries, which Yazoo River is a tributary of the Mississippi River, and its tributaries in the Yazoo Basin, and along the Big Sunflower, Hushpuckena, and Quiver Rivers, and their tributaries, and along Hull Break-Mill Creek Canal, and Ditchlow Bayou in the Yazoo Basin, and along other streams or water courses in the Yazoo Basin in the Yazoo-Mississippi Delta Levee District in the Counties of Tunica, Coahoma, Quitman, Leflore, and Sunflower, and in those parts of DeSoto, Tallahatchie, Holmes, Humphreys, and Yazoo Counties in said Yazoo-Mississippi Delta Levee District for flood control and major drainage, and the said board shall have power to acquire by compromise or by agreement with the owner or owners, or if such owner or owners be minors or insane persons, or if the property belongs to an estate, then with the guardian, executor or administrators, the fee simple title to all property and rights of way required by it, and it may settle all claims for compensation or damages on account of rights of way, or material for the construction, maintenance, or repair of said levees or the construction of ditches, and all other projects, works and improvements for flood control and major drainage along the Yazoo-Tallahatchie-Coldwater Rivers and their tributaries, in the Yazoo Basin and along all other streams and water courses in the said levee district heretofore or hereafter authorized by the laws of the United States; and such guardians, administrators, or executors shall be responsible on their bonds for the money or other thing received in such settlement, and in case of such settlement the said owners, guardians, administrators and executors shall have power to convey to said Board of Levee Commissioners the right of way, material or other property so acquired, and the said conveyance shall vest said board with the fee simple title to the right of way or property thus acquired.

The Board of Levee Commissioners for the Yazoo-Mississippi Delta or its partner, the United States Army Corps of

Engineers, or both, are authorized to enter into and onto lands for the purposes of surveys, soil borings or other official business for levee purposes, but shall be liable for any damages done to the land or to persons. Personnel utilized to perform surveys, soil borings or other official business for levee purposes shall make a good-faith attempt to announce and identify themselves and their intentions before entering private property and, upon request, shall present documentation sufficient to identify them as such authorized personnel.

SECTION 3. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2732

Description: Lenora's Law; revise sex offender registration and require GPS monitoring of certain registrants.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: ** See Text

Chapter Number: 521

History of Actions:

- 1 01/21 (S) Referred To Judiciary, Division A
- 2 02/05 (S) Title Suff Do Pass Comm Sub
- 3 02/11 (S) Committee Substitute Adopted
- 4 02/11 (S) Passed {Vote}
- 5 02/12 (S) Transmitted To House
- 6 02/21 (H) Referred To Judiciary A
- 7 02/28 (H) Title Suff Do Pass As Amended
- 8 03/07 (H) Amended
- 9 03/07 (H) Passed As Amended {Vote}
- 10 03/08 (H) Motion to Reconsider Entered (Dixon,
Baker, Reynolds)
- 11 03/11 (H) Motion to Reconsider Tabled
- 12 03/13 (H) Returned For Concurrence
- 13 03/26 (S) Decline to Concur/Invite Conf
- 14 03/27 (S) Conferees Named Hopson, Longwitz, Doty
- 15 03/29 (H) Conferees Named Baker, Reynolds, Powell
- 16 04/01 (S) Conference Report Filed
- 17 04/01 (H) Conference Report Filed
- 18 04/02 (H) Conference Report Adopted {Vote}
- 19 04/02 (S) Conference Report Adopted {Vote}
- 20 04/08 (S) Enrolled Bill Signed
- 21 04/08 (H) Enrolled Bill Signed
- 22 04/24 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2732

Conference Reports:

| Conference Report-

Code Section: A 045-0033-0023, A 045-0033-0025, A 045-0033-0047, A 045-0033-0031,
A 045-0033-0033, A 045-0033-0036

----- Additional Information -----

Senate Committee: Judiciary, Division A

House Committee: Judiciary A

Principal Author: Longwitz

Additional Authors: Doty, Harkins, Wiggins, Ward

Title: AN ACT TO CREATE LENORA'S LAW; TO PROVIDE FOR ELECTRONIC TRACKING OF CERTAIN SEX OFFENDERS; TO AMEND SECTION 45-33-23, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS UNDER THE SEX OFFENDER REGISTRATION ACT; TO AMEND SECTION 45-33-25, MISSISSIPPI CODE OF 1972, TO CORRECT AN INADVERTENT OMISSION IN SENATE BILL NO. 2032, 2011 REGULAR SESSION AND TO CLARIFY THE DUTY TO UPDATE REGISTRATION INFORMATION; TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF 1972, TO REVISE AND CLARIFY THE RANKING OF SEX OFFENSES INTO TIERS ACCORDING TO THE SEVERITY OF THE OFFENSE AND TO REQUIRE ELECTRONIC TRACKING OF OFFENDERS WHO VIOLATE THEIR DUTY TO REGISTER; TO CREATE NEW SECTION 45-33-45, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO DEVISE, TEST, IMPLEMENT AND CONTRACT FOR A POST RELEASE AND PRETRIAL MONITORING SYSTEM FOR SEX OFFENDERS WHO DO NOT COMPLY WITH SEX OFFENDER REGISTRY REQUIREMENTS; TO AMEND 45-33-31, MISSISSIPPI CODE OF 1972, TO REVISE THE DUTY TO REREGISTER; TO AMEND SECTION 45-33-33, MISSISSIPPI CODE OF 1972, TO INCLUDE A VIOLATION OF THE DUTY TO SUBMIT TO ANY REQUIRED ELECTRONIC MONITORING AS A VIOLATION UNDER THE SEX OFFENDER REGISTRATION CHAPTER; TO AMEND SECTION 45-33-36, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL LAW ENFORCEMENT TO NOTIFY RESIDENTS; AND FOR RELATED PURPOSES.

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MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Judiciary, Division A

By: Senator(s) Longwitz, Doty, Harkins, Wiggins, Ward

Senate Bill 2732

(As Sent to Governor)

AN ACT TO CREATE LENORA'S LAW; TO PROVIDE FOR ELECTRONIC TRACKING OF CERTAIN SEX OFFENDERS; TO AMEND SECTION 45-33-23, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS UNDER THE SEX OFFENDER REGISTRATION ACT; TO AMEND SECTION 45-33-25, MISSISSIPPI CODE OF 1972, TO CORRECT AN INADVERTENT OMISSION IN SENATE BILL NO. 2032, 2011 REGULAR SESSION AND TO CLARIFY THE DUTY TO UPDATE REGISTRATION INFORMATION; TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF 1972, TO REVISE AND CLARIFY THE RANKING OF SEX OFFENSES INTO TIERS ACCORDING TO THE SEVERITY OF THE OFFENSE AND TO REQUIRE ELECTRONIC TRACKING OF OFFENDERS WHO VIOLATE THEIR DUTY TO REGISTER; TO CREATE NEW SECTION 45-33-45, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO DEVISE, TEST, IMPLEMENT AND CONTRACT FOR A POST RELEASE AND PRETRIAL MONITORING SYSTEM FOR SEX OFFENDERS WHO DO NOT COMPLY WITH SEX OFFENDER REGISTRY REQUIREMENTS; TO AMEND 45-33-31, MISSISSIPPI CODE OF 1972, TO REVISE THE DUTY TO REREGISTER; TO AMEND SECTION 45-33-33, MISSISSIPPI CODE OF 1972, TO INCLUDE A VIOLATION OF THE DUTY TO SUBMIT TO ANY REQUIRED ELECTRONIC MONITORING AS A VIOLATION UNDER THE SEX OFFENDER REGISTRATION CHAPTER; TO AMEND SECTION 45-33-36, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL LAW ENFORCEMENT TO NOTIFY RESIDENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-33-23, Mississippi Code of 1972, is amended as follows:

45-33-23. For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Conviction" * * * means that, regarding the person's offense, there has been a determination or judgment of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere regardless of whether adjudication is withheld. "Conviction of similar offenses" includes, but is not limited to, a conviction by a federal or military

tribunal, including a court-martial conducted by the Armed Forces of the United States, a conviction for an offense committed on an Indian Reservation or other federal property, a conviction in any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianna Islands or the United States Virgin Islands, and a conviction in a foreign country if the foreign country's judicial system is such that it satisfies minimum due process set forth in the guidelines under Section 111(5)(B) Public Law 109-248.

(b) "Department" means the Mississippi Department of Public Safety unless otherwise specified.

(* * *c) "Jurisdiction" means any court or locality including any state court, federal court, military court, Indian tribunal or foreign court, the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianna Islands or the United States Virgin Islands, and Indian tribes that elect to function as registration jurisdictions under Title 1, SORNA Section 127 of the Adam Walsh Child Safety Act.

(* * *d) "Permanent residence" * * * means a place where the person abides, lodges, or resides for a period of fourteen (14) or more consecutive days.

(* * *e) "Registration" means providing information to the appropriate agency within the time frame specified as required by this chapter.

(* * *f) "Registration duties" means obtaining the registration information required on the form specified by the department as well as the photograph, fingerprints and biological sample of the registrant. Biological samples are to be forwarded to the State Crime Laboratory pursuant to Section 45-33-37; the photograph, fingerprints and other registration information are to be forwarded to the Department of Public Safety immediately.

(* * *g) "Responsible agency" is defined as the person or government entity whose duty it is to obtain information from a criminal sex offender upon conviction and to transmit that information to the Mississippi Department of Public Safety.

(i) For a criminal sex offender being released from the custody of the Department of Corrections, the responsible agency is the Department of Corrections.

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(ii) For a criminal sex offender being released from a county jail, the responsible agency is the sheriff of that county.

(iii) For a criminal sex offender being released from a municipal jail, the responsible agency is the police department of that municipality.

(iv) For a sex offender in the custody of the youth court, the responsible agency is the youth court.

(v) For a criminal sex offender who is being placed on probation, including conditional discharge or unconditional discharge, without any sentence of incarceration, the responsible agency is the sentencing court.

(vi) For an offender who has been committed to a mental institution following an acquittal by reason of insanity, the responsible agency is the facility from which the offender is released. Specifically, the director of * * * the facility shall notify the Department of Public Safety * * * before the offender's release.

(vii) For a criminal sex offender who is being released from a jurisdiction outside this state or who has a prior conviction in another jurisdiction and who is to reside, work or attend school in this state, the responsible agency is both the sheriff of the proposed county of residence and the department.

(* * *h) "Sex offense" or "registrable offense" means any of the following offenses:

(i) Section 97-3-53 relating to kidnapping, if the victim was below the age of eighteen (18);

(ii) Section 97-3-65 relating to rape; however, conviction or adjudication under Section 97-3-65(1)(a) when the offender was eighteen (18) years of age or younger at the time of the alleged offense, shall not be a registrable sex offense;

(iii) Section 97-3-71 relating to rape and assault with intent to ravish;

(iv) Section 97-3-95 relating to sexual battery; however, conviction or adjudication under Section 97-3-95(1)(c) when the offender was eighteen (18) years of age or younger at the time of the alleged offense, shall not be a registrable sex offense;

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(v) Section 97-5-5 relating to enticing a child for concealment, prostitution or marriage;

(vi) Section 97-5-23 relating to the touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes;

(vii) Section 97-5-27 relating to the dissemination of sexually oriented material to children;

(viii) Section 97-5-33 relating to the exploitation of children;

(ix) Section 97-5-41 relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner;

(x) Section 97-29-3 relating to sexual intercourse between teacher and student;

(* * * xi) Section 97-29-59 relating to unnatural intercourse;

* * *

(xii) Section 43-47-18 relating to sexual abuse of a vulnerable* * * person;

(xiii) Section 97-3-54.1(1)(c) relating to procuring sexual servitude of a minor and Section 97-3-54.3 relating to aiding, abetting or conspiring to violate Section 97-3-54.1(1)(c);

(xiv) Section 97-29-61(2) relating to voyeurism when the victim is a child under sixteen (16) years of age;

(xv) Section 97-29-63 relating to filming another without permission where there is an expectation of privacy;

(xvi) Section 97-29-45 (1)(a) relating to obscene electronic communication;

(xvii) Section 97-3-104 relating to the crime of sexual activity between law enforcement, correctional or custodial personnel and prisoners;

(xviii) Section 97-5-39(1)(c) relating to contributing to the neglect or delinquency of a child, felonious abuse or battery of a child, if the victim was sexually abused;

(* * * xix) Section 97-1-7 relating to attempt to commit any of the above-referenced offenses;

(* * * xx) Any other offense resulting in a conviction in another jurisdiction which, if committed in this state, would

be deemed to be such a crime without regard to its designation elsewhere;

(* * *xxi) Any offense resulting in a conviction in another jurisdiction for which registration is required in the jurisdiction where the conviction was had;

(* * *xxii) Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this section;

(* * *xxiii) Capital murder when one (1) of the above-described offenses is the underlying crime.

(* * *i) "Temporary residence" is defined as any place where the person abides, lodges, or resides for a period of seven (7) or more consecutive days which is not the person's permanent residence.

* * *

SECTION 2. Section 45-33-25, Mississippi Code of 1972, is amended as follows:

45-33-25. (1) (a) Any person having a permanent or temporary residence in this state or who is employed or attending school in this state who has been convicted of a registrable offense in this state or another jurisdiction or who has been acquitted by reason of insanity of a registrable offense in this state or another jurisdiction shall register with the responsible agency and the Mississippi Department of Public Safety. Registration shall not be required for an offense that is not a registrable sex offense or for an offender who is under fourteen (14) years of age. The department shall provide the initial registration information as well as every change of name, change of address, change of status at a school, or other change of information as required by the department to the sheriff of the county of the residence address of the registrant, the sheriff of the county of the employment address, and the sheriff of the county of the school address, if applicable, and any other jurisdiction of the registrant through either written notice, electronic or telephone transmissions, or online access to registration information. Further, the department shall provide this information to the Federal Bureau of Investigation. Additionally, upon notification by the registrant that he intends to reside outside the State of Mississippi, the department shall notify

the appropriate state law enforcement agency of any state to which a registrant is moving or has moved.

(b) Any person having a permanent or temporary residence or who is employed or attending school in this state who has been adjudicated delinquent for a registrable sex offense listed in this paragraph that involved use of force against the victim shall register as a sex offender with the responsible agency and shall personally appear at a Mississippi Department of Public Safety Driver's License Station within three (3) business days of registering with the responsible agency:

(i) Section 97-3-71 relating to rape and assault with intent to ravish;

(ii) Section 97-3-95 relating to sexual battery;

(iii) Section 97-3-65 relating to statutory rape; or

(iv) Conspiracy to commit, accessory to the commission of, or attempt to commit any offense listed in this paragraph.

(2) Any person required to register under this chapter shall submit the following information at the time of registration:

(a) Name, including a former name which has been legally changed;

(b) Street address of all current permanent and temporary residences within state or out of state at which the sex offender resides or habitually lives, including dates of temporary lodgings* * *. There is a presumption that a registrant owes a duty of updating registration information if:

(i) The registrant remains away from a registered address for seven (7) or more consecutive days; or

(ii) If the registrant remains at another address between the hours of 10:00 p.m. and 6:00 a.m. for more than seven (7) consecutive days;

(c) Date, place and address of employment, including as a volunteer or unpaid intern or as a transient or day laborer;

(d) Crime for which charged, arrested or convicted;

(e) Date and place of conviction, adjudication or acquittal by reason of insanity;

(f) Aliases used or nicknames, ethnic or tribal names by which commonly known;

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(g) Social security number and any purported social security number or numbers;

(h) Date and place of birth and any purported date and place of birth;

(i) Age, race, sex, height, weight, hair and eye colors, and any other physical description or identifying factors;

(j) A brief description of the offense or offenses for which the registration is required;

(k) Driver's license or state or other jurisdiction identification card number, which license or card may be electronically accessed by the Department of Public Safety;

(l) Anticipated future residence;

(m) If the registrant's residence is a motor vehicle, trailer, mobile home or manufactured home, the registrant shall also provide vehicle identification number, license tag number, registration number and a description, including color scheme, of the motor vehicle, trailer, mobile home or manufactured home; if the registrant's place of residence is a vessel or houseboat, the registrant shall also provide the hull identification number, manufacturer's serial number, name of the vessel or houseboat, registration number and a description, including color scheme, of the vessel or houseboat, including permanent or frequent locations where the motor vehicle, trailer, mobile home, manufactured home, vessel or houseboat is kept;

(n) Vehicle make, model, color and license tag number for all vehicles owned or operated by the sex offender, whether for work or personal use, and the permanent or frequent locations where a vehicle is kept;

(o) Offense history;

(p) Photograph;

(q) Fingerprints and palm prints;

(r) Documentation of any treatment received for any mental abnormality or personality disorder of the person;

(s) Biological sample;

(t) Name of any public or private educational institution, including any secondary school, trade or professional institution or institution of higher education at which the offender is employed, carries on a vocation (with or without

compensation) or is enrolled as a student, or will be enrolled as a student, and the registrant's status;

(u) Copy of conviction or sentencing order for the sex offense for which registration is required;

(v) The offender's parole, probation or supervised release status and the existence of any outstanding arrest warrants;

(w) Every online identity, screen name or username used, registered or created by a registrant;

(x) Professional licensing information which authorizes the registrant to engage in an occupation or carry out a trade or occupation;

(y) Information from passport and immigration documents;

(z) All telephone numbers, including, but not limited to, permanent residence, temporary residence, cell phone and employment phone numbers, whether landlines or cell phones; and

(aa) Any other information deemed necessary.

(3) For purposes of this chapter, a person is considered to be residing in this state if he maintains a permanent or temporary residence as defined in Section 45-33-23, including students, temporary employees and military personnel on assignment.

(4) (a) A person required to register under this chapter shall not reside within * * * three thousand (3,000) feet of the real property comprising a public or nonpublic elementary or secondary school, a child care facility, a residential child-caring agency, a children's group care home or any playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years.

(b) A person residing within * * * three thousand (3,000) feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility does not commit a violation of this subsection if any of the following apply:

(i) The person is serving a sentence at a jail, prison, juvenile facility or other correctional institution or facility.

(ii) The person is subject to an order of commitment under Title 41, Mississippi Code of 1972.

(iii) The person established the subject residence * * * before July 1, 2006 * * *.

(iv) The school or child care facility is * * * established within* * * three thousand (3,000) feet of the person's residence subsequent to the date the person established residency.

(v) The person established the subject residence between July 1, 2006, and January 1, 2014, in a location at least one thousand five hundred (1,500) feet from the school or child care facility.

(* * * vi) The person is a minor or a ward under a guardianship.

(c) A person residing within * * * three thousand (3,000) feet of the real property comprising a residential child-caring agency, a children's group care home or any playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years does not commit a violation of this subsection if any of the following apply:

(i) The person established the subject residence * * * before July 1, 2008 * * *.

(ii) The residential child-caring agency, * * * children's group care home, playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years is established within * * * three thousand (3,000) feet of the person's residence subsequent to the date the person established residency.

(iii) The person established the subject residence between July 1, 2008, and January 1, 2014, in a location at least one thousand five hundred (1,500) feet from the residential child-caring agency, children's group care home, playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years.

(* * * iv) Any of the conditions described in subsection (4)(b)(i), (ii) or (* * * vi) exist.

(5) The Department of Public Safety is required to obtain the text of the law defining the offense or offenses for which the registration is required.

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SECTION 3. Section 45-33-47, Mississippi Code of 1972, is amended as follows:

45-33-47. (1) A sex offender with a duty to register under Section 45-33-25 shall only be relieved of the duty under subsection (2) of this section.

(2) A person * * * required to register for a registrable sex offense under Section 45-33-25 may petition the circuit court of the sentencing jurisdiction, or for a person whose duty to register arose in another jurisdiction, the county in which the registrant resides, to be relieved of that duty under the following conditions:

(a) The offender has maintained his registration in Mississippi for the required minimum registration from the most recent date of occurrence of at least one (1) of the following: release from prison, placement on parole, supervised release or probation or as determined by the offender's tier classification. Incarceration for any offense will restart the minimum registration requirement. Registration in any other jurisdiction does not reduce the minimum time requirement for maintaining registration in Mississippi.

(b) Tier One. (i) Tier One requires registration for a minimum of fifteen (15) years in this state and includes any of the following listed registrable sex offenses:

1. Section 97-5-27(1) relating to dissemination of sexually oriented material to children * * *;

2. Section 97-29-61(2) relating to voyeurism when the victim is a child under sixteen (16) years of age;

3. Section 97-29-3 relating to misdemeanor sexual intercourse between teacher and student;

4. Section 97-29-45(1)(a) relating to obscene electronic communication;

* * * 5. Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this tier * * *;

6. Any conviction for violation of a similar law of another jurisdiction of any offense listed in this tier;

7. Any offense resulting in a conviction in another jurisdiction for which registration is required

in the jurisdiction where the conviction was had, although registration would not be otherwise required in this state.

(ii) Notwithstanding * * * any other provision of this * * * chapter, an offender may petition the appropriate circuit court to be relieved of the duty to register upon fifteen (15) years' satisfaction of the requirements of this section for the convictions classified as Tier One offenses.

(c) Tier Two. (i) Tier Two requires registration for a minimum of twenty-five (25) years in this state and includes any of the following listed registrable sex offenses:

1. Section 97-5-33(3) through (9) relating to the exploitation of children;

2. Section 97-29-59 relating to unnatural intercourse;

3. Section 97-29-63, relating to filming another without permission where there is an expectation of privacy;

4. Section 97-3-104 relating to crime of sexual activity between law enforcement or correctional personnel and prisoners;

* * *

* * * 5. Section 43-47-18(2)(a) and (b) relating to gratification of lust or fondling by health care employees or persons in position of trust or authority;

* * * 6. Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this tier;

7. Any conviction for violation of a similar law of another jurisdiction of any offense listed in this tier; or

8. Any conviction of a Tier One offense if it is the offender's second or subsequent conviction of a registrable sex offense;

(ii) Notwithstanding * * * any other provision of this * * * chapter, an offender may petition the appropriate circuit court to be relieved of the duty to register upon twenty-five (25) years' satisfaction of the requirements of this section for the convictions classified as Tier Two offenses.

(d) Tier Three. Tier Three requires lifetime registration, the registrant not being eligible to be relieved of the duty to register except as otherwise provided in this * * *

section, and includes any of the following listed registrable sex offenses:

- (i) Section 97-3-65 relating to rape;
- (ii) Section 97-3-71 relating to rape and assault with intent to ravish;
- (iii) Section 97-3-95 relating to sexual battery;
- (iv) Subsection (1) or (2) of Section 97-5-33 relating to the exploitation of children;
- (v) Section 97-5-5 relating to enticing a child for concealment, prostitution or marriage;

(* * *vi) Section 97-5-41 relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner;

(* * *vii) Section 97-3-53 relating to kidnapping if the victim is under the age of eighteen (18);

(* * *viii) Section 97-3-54.1(1) (c) relating to procuring sexual servitude of a minor;

(* * *ix) Section 97-3-54.3 relating to aiding, abetting or conspiring to violate antihuman trafficking provisions;

(* * *x) Section 97-5-23 relating to the touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes;

* * *

(xi) Section 43-47-18 relating to sexual abuse of a vulnerable * * * person by health care employees or persons in a position of trust or authority;

(xii) Section 97-5-39(1) (c) relating to contributing to the neglect or delinquency of a child, felonious abuse and/or battery of a child, if the victim was sexually abused;

(xiii) Capital murder when one (1) of the above described offenses is the underlying crime;

(xiv) Any conviction for violation of a similar law of another jurisdiction or designation as a sexual predator in another jurisdiction;

(xv) Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this tier; or

(xvi) * * * Any conviction of a Tier Two offense if it is the offender's second or subsequent conviction of a registrable sex offense.

(e) An offender who has two (2) separate convictions for any of the registrable offenses described in Section 45-33-23 is subject to lifetime registration and shall not be eligible to petition to be relieved of the duty to register * * * if at least one (1) of the convictions was entered on or after July 1, 1995.

(f) An offender, twenty-one (21) years of age or older, who is convicted of any sex offense where the victim was fourteen (14) years of age or younger shall be subject to lifetime registration and shall not be relieved of the duty to register.

(g) A first-time offender fourteen (14) years of age or older adjudicated delinquent in a youth court for * * * a registrable offense of rape pursuant to Section 96-3-65 or a registrable offense of sexual battery pursuant to Section 97-3-95 is subject to lifetime registration * * * , but shall be eligible to petition to be relieved of the duty to register after twenty-five (25) years of registration.

(h) Registration following arrest or arraignment for failure to register is not a defense and does not relieve the sex offender of criminal liability for failure to register.

(i) The department shall continue to list in the registry the name and registration information of all registrants who no longer work, reside or attend school in this state even after the registrant moves to another jurisdiction and registers in the new jurisdiction as required by law. The registry shall note that the registrant moved out of state.

(3) In determining whether to release an offender from the obligation to register, the court shall consider the nature of the registrable offense committed and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction. The court may relieve the offender of the duty to register only if the petitioner shows, by clear and convincing evidence, that the registrant properly maintained his registration as required by law and that future registration of the petitioner will not serve the purposes of this chapter and the court is otherwise satisfied that the petitioner is not a current or potential threat to public

safety. The district attorney in the circuit in which the petition is filed must be given notice of the petition at least three (3) weeks before the hearing on the matter. The district attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the petitioner may not again petition the court for relief until one (1) year has elapsed unless the court orders otherwise in its order of denial of relief.

(4) The offender will be required to continue registration for any sex offense conviction unless the conviction is set aside in any post-conviction proceeding, the offender receives a pardon, the charge is dismissed or the offender has received a court order pursuant to this section relieving him of the duty to register. Upon submission of the appropriate documentation to the department of one (1) of these occurrences, registration duties will be discontinued.

(5) A person required to register as a sex offender who is convicted under Section 45-33-33 of providing false registration information or of failure to register, reregister, update registration, or comply with electronic monitoring shall be subject to electronic monitoring at the expense of the offender under the program provided in Section 45-33-45. Termination of the duty to register also terminates the duty to be monitored.

SECTION 4. The following shall be codified as Section 45-33-45, Mississippi Code of 1972:

45-33-45. (1) The Department of Corrections may enter into a contract with a qualified vendor experienced in and capable of fulfilling the requirements of this section on a daily basis to provide a data monitoring and alert system for persons who are required to be monitored under this chapter. The initial program shall provide for monitoring upon release of the offenders listed in Section 45-33-33 or 45-33-47 as being obligated to be monitored while on bond or upon release from confinement.

(2) The system shall monitor the movement of a monitored subject through public records or other record information systems, and, at a minimum, shall provide:

(a) Time-correlated or continuous tracking of the geographic location of the monitored subject using a Global

Positioning System that is based on satellite and other location technology;

(b) An automated monitoring system that can be used to permit law enforcement agencies to compare the geographic positions of monitored subjects with reported crime incidents and the proximity of the monitored subject to a reported crime incident; and

(c) From and after January 1, 2015, and subject to regulations promulgated by the Commissioner of Corrections, notification to:

(i) A victim or family of a victim who have registered for notification when the offender is within a specified range of the victim's or family's residence; and

(ii) Law enforcement when an offender is within the prohibited range of a school or other place where the offender is prohibited from being.

(3) The vendor shall notify the Department of Public Safety or a local law enforcement agency if a registered sex offender does any of the following:

(a) Moves from a residence or address in this state to a residence or address in another state.

(b) Moves from a residence or address in this state to another residence or address in this state.

(4) The Department of Corrections shall develop procedures to determine, investigate and report on a twenty-four-hour-per-day basis a monitored subject's noncompliance with the terms and conditions of the program, and all reports of noncompliance shall be investigated immediately by the law enforcement agency having jurisdiction that receives a report of noncompliance.

(5) (a) The system shall be installed and operational not later than January 1, 2014, following an appropriate testing period. The initial program shall consist of monitoring of the required offenders; in the second phase, the program will provide for notification to victims who have registered for notification.

(b) The Commissioner of Corrections shall study and develop recommendations for the Legislature as to the advisability of monitoring of additional registrants not later than January 1, 2015.

(6) The Commissioner of Corrections may adopt regulations to establish fees and otherwise administer monitoring of sex offenders as required under this chapter.

(7) Notwithstanding any provision of law, rule or regulation to the contrary, the Department of Corrections, Attorney General, Department of Public Safety, Mississippi Bureau of Investigation, and federal, county and municipal law enforcement agencies may share criminal incident information with each other and the vendor selected to provide the monitoring equipment for the program for the purposes of detection and prevention of crime.

SECTION 5. Section 45-33-31, Mississippi Code of 1972, is amended as follows:

45-33-31. (1) (a) Registrants who are in compliance with a program of electronic monitoring under this chapter are required to reregister annually.

(b) All other registrants are required to personally appear at a Department of Public Safety Driver's License Station to reregister every ninety (90) days.

(2) Reregistration includes the submission of current information and photograph to the department and the verification of registration information, including the street address and telephone number of the registrant; name, street address and telephone number of the registrant's employment or status at a school, along with any other registration information that may need to be verified and the payment of any required fees.

(3) A person who fails to reregister and obtain a renewal sex offender registration card as required by this section commits a violation of this chapter. The Department of Public Safety will immediately notify any sheriff or other jurisdiction of any changes in information including residence address, employment and status at a school if that jurisdiction, county or municipality is affected by the change.

SECTION 6. Section 45-33-33, Mississippi Code of 1972, is amended as follows:

45-33-33. (1) (a) The failure of an offender to personally appear at a Department of Public Safety Driver's License Station or to provide any registration or other information, including, but not limited to, initial registration, reregistration, * * * change of address information, change

of employment, change of name, * * * required notification to a volunteer organization* * * or any other registration duty or submission of information required by this chapter * * * is a violation of * * * this chapter. Additionally, forgery of information or submission of information under false pretenses, whether by the registrant or another person, is also a violation of * * * this chapter.

(b) A person commits a violation of this chapter who:

(i) Knowingly harbors, or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this chapter; or

(ii) Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this chapter; or

(iii) Provides information to a law enforcement agency regarding a sex offender which the person knows to be false.

(c) A registrant who is required to submit to electronic monitoring who does not comply with all the terms and conditions of the electronic monitoring commits a violation of this chapter.

(2) (a) Unless otherwise specified, a violation of this chapter shall be considered a felony and shall be punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), * * * imprisonment in the * * * custody of the Department of Corrections for not more than five (5) years, or both fine and imprisonment.

(b) A person who is required to register under this chapter who is subsequently convicted for a registration violation under this section, upon release from incarceration, shall submit to mandatory electronic monitoring under the program established under Section 45-33-45 for a period computed by subtracting the time the person spent in actual incarceration from the five-year maximum imprisonment for the offense and the period of post-release monitoring shall not be suspended or reduced by the court or the Department of Corrections.

(3) Whenever it appears that an offender has failed to comply with the duty to register, * * * reregister or submit to electronic monitoring, the department shall promptly

notify the sheriff of the county of the last-known address of the offender as well as the sheriff of the county of the last-known location of the offender, if different. Upon notification, the sheriff shall attempt to locate the offender at his last-known address or last-known location.

(a) If the sheriff locates the offender, he shall enforce the provisions of this chapter, including initiation of prosecution if appropriate. The sheriff shall then notify the department with the current information regarding the offender.

(b) If the sheriff is unable to locate the offender, the sheriff shall promptly notify the department and initiate a criminal prosecution against the offender for the failure to register, * * * reregister or comply with electronic monitoring. The sheriff shall make the appropriate transactions into the Federal Bureau of Investigation's wanted-person database and issue a warrant for the offender's arrest. The department shall notify the United States * * * Marshals Service of the offender's noncompliant status and shall update the registry database and website to show the defendant's noncompliant status as an absconder.

(4) A violation of this chapter shall result in the arrest of the offender.

(5) Any prosecution for a violation of this section shall be brought by a prosecutor in the county of the violation.

(6) A person required to register under this chapter who commits any act or omission in violation of this chapter may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sex offender, the county in which the conviction occurred for the offense or offenses that meet the criteria requiring the person to register, * * * the county in which he was designated a sex offender, or the county in which the sex offender was found.

(7) The Commissioner of Public Safety or his authorized agent shall suspend the driver's license or driving privilege of any offender failing to comply with the duty to report, register or reregister, submit to monitoring, or who has provided false information.

(8) When a person required to register under this chapter is accused of any registration offense under this

section, pretrial release on bond shall be conditioned on the offender's submission to electronic monitoring under the program established under Section 45-33-45.

SECTION 7. Section 45-33-36, Mississippi Code of 1972, is amended as follows:

45-33-36. (1) Upon receipt of sex offender registration or change of registration information, the Department of Public Safety shall immediately provide the information to:

(a) The National Sex Offender Registry or other appropriate databases;

(b) The sheriff of the county * * * and the chief law enforcement officer of any other jurisdiction where the offender resides, lodges, is an employee or is a student or intends to reside, work, attend school or volunteer;

(c) The sheriff of the county * * * and the chief law enforcement officer of any other jurisdiction from which or to which a change of residence, employment or student status occurs;

(d) The Department of Human Services and any other social service entities responsible for protecting minors in the child welfare system;

(e) The probation agency that is currently supervising the sex offender;

(f) Any agency responsible for conducting employment-related background checks under Section 3 of the National Child Protection Act of 1993 (42 USC 5119(a));

(g) Each school and public housing agency in each jurisdiction in which the sex offender resides, is an employee or is a student;

(h) All prosecutor offices in each jurisdiction in which the sex offender resides, is an employee, or is a student; and

(i) Any other agencies with criminal investigation, prosecution or sex offender supervision functions in each jurisdiction in which the sex offender resides, is an employee, or is a student.

(2) The Department of Public Safety shall post changes to the public registry website within three (3) business days. Electronic notification will be available via the Internet to all law enforcement agencies, to any volunteer organizations

in which contact with minors or vulnerable adults might occur and any organization, company or individual who requests notification pursuant to procedures established by the Department of Public Safety. This provision shall take effect upon the state's receipt and implementation of the Department of Justice software in compliance with the provisions of the Adam Walsh Act.

(3) From and after July 1, 2015, local jurisdictions receiving notification and that have the ability may notify residents when a sex offender begins residing, lodges, becomes employed, volunteers or attends school or intends to reside, lodge, work, attend school or volunteer in the area by using a website, social media, print media, e-mail or may provide a link to the Department of Public Safety website.

SECTION 8. This act shall take effect and be in force from and after January 1, 2014, and shall apply to registration and monitoring offenses committed on or after that date.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2780

Description: Lien in favor of providers of burn care; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2013

Chapter Number: 512

History of Actions:

- | | | | |
|----|-------|-----|---|
| 1 | 01/21 | (S) | Referred To Public Health and Welfare |
| 2 | 01/30 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/07 | (S) | Committee Substitute Adopted |
| 4 | 02/07 | (S) | Passed {Vote} |
| 5 | 02/08 | (S) | Transmitted To House |
| 6 | 02/21 | (H) | Referred To Public Health and Human
Services |
| 7 | 02/28 | (H) | Title Suff Do Pass As Amended |
| 8 | 03/05 | (H) | Amended |
| 9 | 03/05 | (H) | Passed As Amended {Vote} |
| 10 | 03/05 | (H) | Motion to Reconsider Entered (Clark, Mims,
Barker) |
| 11 | 03/06 | (H) | Motion to Reconsider Tabled |
| 12 | 03/07 | (H) | Returned For Concurrence |
| 13 | 03/12 | (S) | Motion to Concur Failed {Vote} |
| 14 | 03/12 | (S) | Motion to Reconsider Entered |
| 15 | 03/28 | (S) | Reconsidered |
| 16 | 03/28 | (S) | Decline to Concur/Invite Conf |
| 17 | 03/29 | (S) | Conferees Named Kirby, Harkins, Horhn |
| 18 | 03/29 | (H) | Conferees Named Mims, Smith (39th), Brown
(20th) |
| 19 | 04/01 | (S) | Conference Report Filed |
| 20 | 04/01 | (H) | Conference Report Filed |
| 21 | 04/02 | (H) | Conference Report Adopted {Vote} |
| 22 | 04/02 | (S) | Conference Report Adopted {Vote} |

2013 GENERAL LAWS OF MISSISSIPPI SB 2780

23 04/02 (S) Immediate Release
24 04/04 (S) Enrolled Bill Signed
25 04/04 (H) Enrolled Bill Signed
26 04/24 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote

[H] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2780

Conference Reports:

Conference Report

----- Additional Information -----

Senate Committee: Public Health and Welfare

House Committee: Public Health and Human Services

Principal Author: Kirby

Title: AN ACT TO CREATE A LIEN IN FAVOR OF PROVIDERS OF BURN CARE; TO PROVIDE THE PROCEDURE TO PERFECT THE LIEN; TO PROVIDE FOR THE FILING OF THE LIEN; TO PROVIDE ADDRESS RELEASES AND COVENANTS NOT TO SUE; TO PROVIDE THAT THIS ACT IS NOT APPLICABLE TO FUNDS DUE UNDER THE WORKERS' COMPENSATION LAW; TO ADDRESS SETTLEMENTS AND RELEASES ENTERED INTO BEFORE ENTERING A FACILITY PROVIDING BURN CARE; TO PROVIDE THAT THIS ACT DOES NOT PROVIDE AN INDEPENDENT RIGHT OF ACTION; TO PROVIDE THAT GIVING A FALSE AFFIDAVIT SHALL BE PERJURY; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2780

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Welfare

By: Senator(s) Kirby

Senate Bill 2780

(As Sent to Governor)

AN ACT TO CREATE A LIEN IN FAVOR OF PROVIDERS OF BURN CARE; TO PROVIDE THE PROCEDURE TO PERFECT THE LIEN; TO PROVIDE FOR THE FILING OF THE LIEN; TO PROVIDE ADDRESS RELEASES AND COVENANTS NOT TO SUE; TO PROVIDE THAT THIS ACT IS NOT APPLICABLE TO FUNDS DUE UNDER THE WORKERS' COMPENSATION LAW; TO ADDRESS SETTLEMENTS AND RELEASES ENTERED INTO BEFORE ENTERING A FACILITY PROVIDING BURN CARE; TO PROVIDE THAT THIS ACT DOES NOT PROVIDE AN INDEPENDENT RIGHT OF ACTION; TO PROVIDE THAT GIVING A FALSE AFFIDAVIT SHALL BE PERJURY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Except where the context otherwise requires in subsection (2) of this section, as used in this act, the term:

(a) "Qualifying hospital" means any hospital designated as a burn center by the State Department of Health.

(b) "Qualifying practice" means any physician practice that provides care, treatment or services to a patient who has been admitted to a qualifying hospital.

(c) "Care, treatment or services" means burn care or burn-related treatment, or services furnished by a qualifying hospital or qualifying practice.

(d) "Uncompensated traumatic burn care" means any portion of care, treatment or services rendered by a qualifying hospital or qualifying practice with respect to a patient whose burn care, treatment or services arose out of a single accident or occurrence for which the qualifying hospital or qualifying practice did not receive payment.

(2) Any person, firm, authority or corporation operating a qualifying hospital or qualifying practice providing traumatic burn care in this state shall have a lien for the reasonable charges for care, treatment or services of an injured person

for uncompensated traumatic burn care, which lien shall be only upon any and all causes of action accruing to the person to whom the care was furnished or to the legal representative of the person on account of injuries that gave rise to the causes of action and that necessitated the care, treatment or services, subject and subordinate, however, to any attorney's lien or fees. The lien provided for in this subsection is only a lien against those causes of action and shall not be a lien against the injured person, the legal representative, or any other property or assets of those persons and shall not be evidence of the person's failure to pay a debt. This subsection shall not be construed to interfere with the exemption from this act provided by Section 5 of this act, nor shall this subsection prohibit an injured person or his legal representative from negotiating with a qualifying hospital or practice.

SECTION 2. (1) In order to perfect the lien provided for in Section 1 of this act, the operator of the qualifying hospital or qualifying practice:

(a) Shall, not less than fifteen (15) days before the date of filing the statement required under paragraph (b) of this subsection, provide written notice to the patient and the legal representative of the patient, if applicable, and, to the best of the operator's knowledge, the persons, firms, corporations and their insurers claimed by the injured person or the legal representative of the injured person to be liable for damages arising from the injuries and shall include in the notice a statement that the lien is not a lien against the patient or any other property or assets of the patient and is not evidence of the patient's failure to pay a debt. The notice shall be sent to all those persons and entities by first-class and certified mail or statutory overnight delivery, return receipt requested; and

(b) Shall file in the office of the clerk of the chancery court of the county in which the qualifying hospital or qualifying practice is located and in the county in which the patient resides, if a resident of this state, a verified statement setting forth the name and address of the patient as it appears on the records of the qualifying hospital or qualifying practice; the name and location of the qualifying hospital or qualifying practice, and the name and address of the operator thereof; the dates of admission and discharge of

the patient from the qualifying hospital, or with respect to a qualifying practice, the dates of treatment; the amount claimed to be due for the qualifying hospital or qualifying practice; and certification that the amount claimed is for treatment of uncompensated traumatic burn care, which statement must be filed within the following time period:

(i) If the statement is filed by a qualifying hospital, then the statement shall be filed within seventy-five (75) days after the person has been discharged from the facility; or

(ii) If the statement is filed by a qualifying practice, then the statement shall be filed within ninety (90) days after the person first sought treatment from the practice for the injury.

(2) The filing of the claim or lien shall be notice thereof to all persons, firms or corporations liable for the damages, whether or not they received the written notice provided for in this section. The failure to perfect the lien by timely complying with the notice and filing provisions of subsection (1) of this section shall invalidate the lien, except as to any person, firm, or corporation liable for the damages, which receives before the date of any release, covenant not to bring an action, or settlement, actual notice of a notice and filed statement made under subsection (1) of this section, via hand delivery, certified mail, return receipt requested, or statutory overnight delivery with confirmation of receipt.

SECTION 3. The clerk of the chancery court shall endorse the date and hour of filing on the statement filed under Section 2 of this act; and, at the expense of the county, the clerk shall provide a lien book with a proper index in which the clerk shall enter the date and hour of the filing; the names and addresses of the qualifying hospital or qualifying practice, the operators thereof, and the patient; and the amount claimed. The information shall be recorded in the name of the patient.

SECTION 4. (1) No release of the cause or causes of action or of any judgment thereon or any covenant not to bring an action thereon shall be valid or effectual against the lien created by Section 1 of this act unless the holder thereof is given notification of the results of the cause of action or executes a release of the lien; and the injured party (the "claimant") or an assignee of the lien holder may enforce the lien by an action against the person, firm or corporation

liable for the damages or the person, firm or corporation's insurer. If the claimant prevails in the action and if the claimant's balance of the award is insufficient to cover the medical liens, the court may determine pro rata compensation in favor of the claimant. In no case shall the payment towards the liens exceed fifty percent (50%) of the claimant's balance. Any qualifying hospital or qualifying practice that receives payments under the authority of this act shall release the claimant from any further liens for the cost of hospital care, treatment or services provided for which the lien was placed. The action shall be begun against the person liable for the damages or the person's insurer within one (1) year after the date the liability is finally determined by a settlement, by a release, by a covenant not to bring an action, or by the judgment of a court of competent jurisdiction.

(2) No release or covenant not to bring an action that is made before or after the patient was discharged from the qualifying hospital or qualifying practice shall be effective against the lien perfected in accordance with Section 2 of this act, if the lien is perfected before the date of the release, covenant not to bring an action, or settlement unless notification is given to the qualifying hospital or qualifying practice; however, any person, firm or corporation that consummates a settlement, release or covenant not to bring an action with the person to whom care, treatment or services were furnished and that first procures from the injured party an affidavit as prescribed in subsection (3) of this section shall not be bound or otherwise affected by the lien except as provided in subsection (3) of this section, regardless of when the settlement, release or covenant not to bring an action was consummated.

(3) The affidavit shall affirm:

(a) That all bills incurred for treatment for the injuries for which a settlement is made have been fully paid or resolved; and

(b) The county of residence of the affiant, if a resident of this state; however, the person taking the affidavit shall not be protected thereby where the affidavit alleges the county of the affiant's residence and the lien of the qualifying hospital or qualifying practice is at that time on file in the office of the chancery clerk and is recorded in the name of the patient as it appears in the affidavit.

SECTION 5. This act shall not apply to:

(a) A cause of action filed by a person who received care, treatment or services from a qualifying hospital or a qualifying practice whose medical costs were paid by the Centers for Medicare and Medicaid Services.

(b) Any monies becoming due under the Workers' Compensation Law.

SECTION 6. No settlement or release entered into or executed before the entry of the injured party into the qualifying hospital shall be affected by or subject to the terms of this act.

SECTION 7. This act shall not be construed to give any qualifying hospital or qualifying practice an independent right of action to determine liability for injuries sustained by a person or firm.

SECTION 8. Any person who gives any false affidavit as provided by Section 4 of this act commits the offense of perjury.

SECTION 9. Sections 1 through 8 of this act shall stand repealed on July 1, 2016.

SECTION 10. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2795

Description: Women's Health Defense Act of 2013; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2013

Chapter Number: 551

History of Actions:

- | | | | |
|---|-------|-----|---------------------------------------|
| 1 | 01/21 | (S) | Referred To Public Health and Welfare |
| 2 | 02/05 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 02/14 | (S) | Committee Substitute Adopted |
| 4 | 02/14 | (S) | Amended |
| 5 | 02/14 | (S) | Passed As Amended {Vote} |
| 6 | 02/18 | (S) | Transmitted To House |
| 7 | 02/26 | (H) | Referred To Public Health and Human |

Services

- | | | | |
|----|-------|-----|---------------------------------------|
| 8 | 02/28 | (H) | Title Suff Do Pass As Amended |
| 9 | 03/05 | (H) | Amended |
| 10 | 03/05 | (H) | Passed As Amended {Vote} |
| 11 | 03/06 | (H) | Motion to Reconsider Entered (Wooten, |

Mims, Barker)

- | | | | |
|----|-------|-----|--|
| 12 | 03/07 | (H) | Motion to Reconsider Tabled |
| 13 | 03/11 | (H) | Returned For Concurrence |
| 14 | 03/19 | (S) | Decline to Concur/Invite Conf |
| 15 | 03/25 | (S) | Conferees Named Kirby, Fillingane, Wiggins |
| 16 | 03/26 | (H) | Conferees Named Mims, Gipson, Crawford |
| 17 | 03/28 | (S) | Conference Report Filed |
| 18 | 03/28 | (H) | Conference Report Filed |
| 19 | 03/29 | (H) | Conference Report Adopted {Vote} |
| 20 | 04/03 | (S) | Conference Report Adopted {Vote} |
| 21 | 04/08 | (S) | Enrolled Bill Signed |
| 22 | 04/08 | (H) | Enrolled Bill Signed |
| 23 | 04/25 | | Approved by Governor |

Amendments:

[S] Amendment No 1 (Cmte Sub)*Adopted* Voice Vote

[S] Amendment No 2 (Cmte Sub)*Adopted* Voice Vote

[S] Amendment No 1 to Amendment No 2 (Cmte Sub)*Adopted* Voice Vote

[H] Committee Amendment No 1 *Adopted* Voice Vote

Amendment Report for Senate Bill No. 2795

Conference Reports:

Conference Report

----- Additional Information -----

Senate Committee: Public Health and Welfare

House Committee: Public Health and Human Services

Principal Author: Hill

Additional Authors: Gandy, Hudson, Smith, McDaniel

Title: AN ACT TO CREATE THE WOMEN'S HEALTH DEFENSE ACT OF 2013; TO DECLARE CERTAIN FINDINGS OF THE LEGISLATURE; TO MAKE IT UNLAWFUL TO KNOWINGLY PROVIDE OR PRESCRIBE ANY ABORTION-INDUCING DRUG TO A PREGNANT WOMAN FOR THE PURPOSE OF INDUCING AN ABORTION IN THAT PREGNANT WOMAN UNLESS THE PERSON WHO PROVIDES OR PRESCRIBES THE ABORTION-INDUCING DRUG IS A PHYSICIAN, AND THE PROVISION OR PRESCRIPTION OF THE ABORTION-INDUCING DRUG SATISFIES THE STANDARD OF CARE; TO REQUIRE THE PHYSICIAN PROVIDING OR PRESCRIBING ANY ABORTION-INDUCING DRUG TO SCHEDULE A FOLLOW-UP VISIT FOR THE WOMAN AT APPROXIMATELY 14 DAYS AFTER ADMINISTRATION OF THE ABORTION-INDUCING DRUG TO PROVIDE TREATMENT THAT MEETS THE STANDARD OF CARE; TO REQUIRE PHYSICIANS WHO PROVIDE AN ABORTION-INDUCING DRUG TO ANOTHER FOR THE PURPOSE OF INDUCING AN ABORTION TO REPORT THOSE ACTIONS TO THE STATE DEPARTMENT OF HEALTH AND TO REPORT ADVERSE EVENTS FROM THE USE OF THE ABORTION-INDUCING DRUG TO THE FDA; TO PROVIDE THAT A PERSON WHO INTENTIONALLY, KNOWINGLY OR RECKLESSLY VIOLATES ANY PROVISION OF THIS ACT IS GUILTY OF A MISDEMEANOR; TO PROVIDE THAT ALL REMEDIES UNDER THE STATUTORY LAWS OF THIS STATE ARE AVAILABLE IF THERE IS FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Public Health and Welfare

By: Senator(s) Hill, Gandy, Hudson, Smith, McDaniel

Senate Bill 2795
(As Sent to Governor)

AN ACT TO CREATE THE WOMEN'S HEALTH DEFENSE ACT OF 2013; TO DECLARE CERTAIN FINDINGS OF THE LEGISLATURE; TO MAKE IT UNLAWFUL TO KNOWINGLY PROVIDE OR PRESCRIBE ANY ABORTION-INDUCING DRUG TO A PREGNANT WOMAN FOR THE PURPOSE OF INDUCING AN ABORTION IN THAT PREGNANT WOMAN UNLESS THE PERSON WHO PROVIDES OR PRESCRIBES THE ABORTION-INDUCING DRUG IS A PHYSICIAN, AND THE PROVISION OR PRESCRIPTION OF THE ABORTION-INDUCING DRUG SATISFIES THE STANDARD OF CARE; TO REQUIRE THE PHYSICIAN PROVIDING OR PRESCRIBING ANY ABORTION-INDUCING DRUG TO SCHEDULE A FOLLOW-UP VISIT FOR THE WOMAN AT APPROXIMATELY 14 DAYS AFTER ADMINISTRATION OF THE ABORTION-INDUCING DRUG TO PROVIDE TREATMENT THAT MEETS THE STANDARD OF CARE; TO REQUIRE PHYSICIANS WHO PROVIDE AN ABORTION-INDUCING DRUG TO ANOTHER FOR THE PURPOSE OF INDUCING AN ABORTION TO REPORT THOSE ACTIONS TO THE STATE DEPARTMENT OF HEALTH AND TO REPORT ADVERSE EVENTS FROM THE USE OF THE ABORTION-INDUCING DRUG TO THE FDA; TO PROVIDE THAT A PERSON WHO INTENTIONALLY, KNOWINGLY OR RECKLESSLY VIOLATES ANY PROVISION OF THIS ACT IS GUILTY OF A MISDEMEANOR; TO PROVIDE THAT ALL REMEDIES UNDER THE STATUTORY LAWS OF THIS STATE ARE AVAILABLE IF THERE IS FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act may be known and cited as the "Women's Health Defense Act of 2013."

SECTION 2. (1) The Legislature finds that:

(a) The use of abortion-inducing drugs presents significant medical risks to women, including, but not limited to, abdominal pain, cramping, vomiting, headache, fatigue, uterine hemorrhage, viral infections, pelvic inflammatory disease, severe bacterial infection and death.

(b) Abortion-inducing drugs are associated with an increased risk of complications relative to surgical

abortion. The risk of complications increases with increasing gestational age.

(c) In July 2011, the FDA reported two thousand two hundred seven (2,207) adverse events in the United States after women used abortion-inducing drugs for the termination of pregnancy. Among those were fourteen (14) deaths, six hundred twelve (612) hospitalizations, three hundred thirty-nine (339) blood transfusions, and two hundred fifty-six (256) infections (including forty-eight (48) "severe infections").

(d) Medical evidence demonstrates that women who use abortion-inducing drugs incur more complications than those who have surgical abortions.

(2) Based on the findings in subsection (1) of this section, it is the purpose of this act to:

(a) Protect women from the dangerous and potentially deadly use of abortion-inducing drugs when administration of the drugs does not meet the standard of care; and

(b) Ensure that physicians meet the standard of care when giving, selling, dispensing, administering or otherwise providing or prescribing abortion-inducing drugs.

SECTION 3. As used in this act, the following terms shall have the meanings ascribed in this section unless the context indicates otherwise:

(a) "Abortion-inducing drug" means a medicine, drug or any other substance prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman to cause the death of the unborn child. This includes the use of drugs known to have abortion-inducing properties, which are prescribed specifically with the intent of causing an abortion. Use of those drugs to induce abortion is also known as "medical abortion." This definition does not apply to drugs that may be known to cause an abortion but are prescribed for other medical indications (e.g., chemotherapeutic agents and diagnostic drugs).

(b) "Abortion" means the act of using or prescribing any instrument, medicine, drug or any other substance, device or means with the intent to terminate the clinically diagnosable pregnancy of a woman to cause the death of the unborn child. That use, prescription or means is not an abortion if done with the intent to:

- (i) Save the life of the mother;
 - (ii) Save the life or preserve the health of the unborn child;
 - (iii) Remove a dead unborn child caused by spontaneous abortion;
 - (iv) Remove an ectopic pregnancy;
 - (v) Prevent hemorrhaging by the pregnant woman; or
 - (vi) Treat a maternal disease or illness other than pregnancy for which the prescribed drug is indicated.
- (c) "Department" means the State Department of Health.
- (d) "LMP" or "gestational age" means the time that has elapsed since the first day of the woman's last menstrual period.
- (e) "Physician" means any medical doctor (M.D.) or osteopathic doctor (D.O.) licensed to practice medicine in this state.
- (f) "Pregnant" or "pregnancy" means the female reproductive condition of having an unborn child in the woman's uterus.
- (g) "Unborn child" means the offspring of human beings from conception until birth.

SECTION 4. (1) It shall be unlawful to knowingly give, sell, dispense, administer or otherwise provide or prescribe any abortion-inducing drug to a pregnant woman for the purpose of inducing an abortion in that pregnant woman, or enabling another person to induce an abortion in a pregnant woman, unless the person who gives, sells, dispenses, administers or otherwise provides or prescribes the abortion-inducing drug is a physician, and the provision or prescription of the abortion inducing drug satisfies the standard of care.

(2) Because the failure and complications from medical abortion increase with increasing gestational age, because the physical symptoms of medical abortion can be identical to the symptoms of ectopic pregnancy, and because abortion-inducing drugs do not treat ectopic pregnancies but rather are contraindicated in ectopic pregnancies, the physician giving, selling, dispensing, administering or otherwise providing or prescribing the abortion-inducing drug must first physically examine the woman and document in the woman's medical chart

the gestational age and intrauterine location of the pregnancy before giving, selling, dispensing, administering or otherwise providing or prescribing the abortion-inducing drug.

(3) When any drug or chemical is used for the purpose of inducing an abortion, the drug or chemical must be administered in the same room and in the physical presence of the physician who gave, sold, dispensed or otherwise provided or prescribed the drug or chemical to the patient.

(4) Every pregnant woman to whom a physician gives, sells, dispenses, administers or otherwise provides or prescribes any abortion-inducing drug shall be provided with a copy of the drug's final printed label or FPL.

(5) If the physician giving, selling, dispensing, administering or otherwise providing or prescribing any abortion-inducing drug is unable to provide follow-up care, the physician must have a signed contract with a physician who agrees to provide follow-up care and produce that signed contract if requested by the patient or by the department. The contract shall include the name and contact information of the follow-up physician. The contract follow-up physician must have active hospital admitting privileges and gynecological/surgical privileges.

(6) The physician giving, selling, dispensing, administering or otherwise providing or prescribing any abortion-inducing drug, or an agent of the physician, must schedule a follow-up visit for the woman at approximately fourteen (14) days after administration of the abortion-inducing drug to provide treatment that meets the standard of care.

SECTION 5. (1) If a physician provides an abortion-inducing drug to another for the purpose of inducing an abortion as authorized in Section 4 of this act:

(a) The physician shall report that action to the department; and

(b) If the physician knows that the woman who uses the abortion-inducing drug for the purpose of inducing an abortion experiences, during or after the use, an adverse event, the physician shall provide a written report of the serious event to the FDA via the Medwatch Reporting System.

(2) For the purposes of this section, "adverse event" shall be defined according to the FDA criteria given in the Medwatch Reporting System.

SECTION 6. (1) A person who intentionally, knowingly or recklessly violates any provision of this act is guilty of a misdemeanor.

(2) No criminal penalty may be assessed against the pregnant woman upon whom the drug-induced abortion is performed.

SECTION 7.(1) All remedies under the statutory laws of this state are available if there is failure to comply with the requirements of this act.

(2) No civil liability may be assessed against the pregnant woman upon whom the drug-induced abortion is performed.

(3) In any legal action for failure to comply with the requirements of this act, the court, when requested, shall allow a woman to proceed using solely her initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the drug-induced abortion was performed.

SECTION 8. (1) Nothing in this act shall be construed as creating or recognizing a right to abortion.

(2) It is not the intention of this act to make lawful an abortion that is currently unlawful.

SECTION 9. Any provision of this act that is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless the holding is one of utter invalidity or unenforceability, in which event the provision shall be deemed severable from this act and shall not affect the remainder of the act or the application of the provision to other persons not similarly situated or to other dissimilar circumstances.

SECTION 10. This act shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2013 Regular Session**

Senate Bill 2013

Description: Bonds; issued for various purposes.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law

Deadline: Revenue

Revenue: Yes

Vote type required: Three/Fifths

Effective date: ** See Text

Chapter Number: 569

History of Actions:

- 1 02/26 (S) Referred To Finance
- 2 02/26 (S) Title Suff Do Pass Comm Sub
- 3 02/27 (S) Committee Substitute Adopted
- 4 02/27 (S) Passed {Vote}
- 5 02/28 (S) Transmitted To House
- 6 03/08 (H) Referred To Ways and Means
- 7 03/12 (H) Title Suff Do Pass As Amended
- 8 03/13 (H) Amended
- 9 03/13 (H) Passed As Amended {Vote}
- 10 03/13 (H) Immediate Release
- 11 03/13 (H) Returned For Concurrence
- 12 03/20 (S) Decline to Concur/Invite Conf
- 13 03/25 (S) Conferees Named Fillingane, Brown, Hudson
- 14 03/26 (H) Conferees Named Smith (39th), Rogers
- (61st), Baker
- 15 03/30 (S) Conference Report Filed
- 16 03/30 (H) Conference Report Filed
- 17 03/31 (H) Recommitted For Further Conf
- 18 03/31 (S) Recommitted For Further Conf
- 19 03/31 (S) Conference Report Filed
- 20 03/31 (H) Conference Report Filed
- 21 04/01 (S) Conference Report Adopted {Vote}
- 22 04/01 (H) Conference Report Adopted {Vote}
- 23 04/08 (H) Enrolled Bill Signed
- 24 04/08 (S) Enrolled Bill Signed

25 04/25 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for Senate Bill No. 2913

Conference Reports:

| Conference Report

| Conference Report # 2

Code Section: A 039-0005-0145, A 057-0001-0018, A 057-0061-0025, A 057-0061-0036,
A 057-0075-0015, A 049-0017-0085, A 057-0001-0221, A 007-0001-0403

----- Additional Information -----

Senate Committee: Finance

House Committee: Ways and Means

Principal Author: Fillingane

Additional Authors: Jordan

Title: AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS FOR STATE INSTITUTIONS OF HIGHER LEARNING; TO PROVIDE THAT IT IS THE INTENT OF THE LEGISLATURE TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS DURING THE 2014 AND 2015 REGULAR SESSIONS FOR THE CAPITAL NEEDS OF STATE INSTITUTIONS OF HIGHER LEARNING AS RECOMMENDED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION IN REPORTS SUBMITTED TO THE SENATE FINANCE COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS FOR COMMUNITY AND JUNIOR COLLEGES; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE MISSISSIPPI COMMUNITY HERITAGE PRESERVATION GRANT FUND; TO AMEND SECTION 39-5-145, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH THE REPAIR AND RENOVATION OF AND UPGRADES AND IMPROVEMENTS TO THE MISSISSIPPI CRAFT CENTER IN RIDGELAND, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR IMPROVEMENTS TO THE JACKSON ZOO; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING THE COSTS OF REPAIRING DAMAGE TO LOVETT ELEMENTARY SCHOOL IN CLINTON, MISSISSIPPI, THAT OCCURRED AS A RESULT OF A HAILSTORM ON MARCH 18, 2013; TO AMEND SECTION 45, CHAPTER 480, LAWS OF 2011, TO INCREASE THE AMOUNT OF STATE GENERAL OBLIGATION BONDS THAT MAY BE ISSUED FOR THE PURPOSE OF PROVIDING FUNDS FOR THE MISSISSIPPI RAILROAD

IMPROVEMENTS FUND; TO AMEND SECTION 7, CHAPTER 520, LAWS OF 2010, TO AUTHORIZE THE WAIVER OF CERTAIN CONDITIONS THAT MUST BE SATISFIED BEFORE STATE GENERAL OBLIGATION BONDS MAY BE ISSUED FOR THE PURPOSE OF PROVIDING FUNDS FOR THE NORTH CENTRAL MISSISSIPPI REGIONAL RAILROAD AUTHORITY GRANT PROGRAM AND TO EXTEND THE TIME WITHIN WHICH SUCH BONDS MAY BE ISSUED; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH THE DESIGN, FABRICATION AND INSTALLATION OF PERMANENT EXHIBITS, INCLUDING THE DEVELOPMENT OF ALL ASSOCIATED FILMS AND INTERACTIVE COMPONENTS, FOR THE GRAMMY® MUSEUM MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR CONSTRUCTING, FURNISHING AND EQUIPPING THE MARTY STUART CENTER AND CONGRESS OF COUNTRY MUSIC HALL IN PHILADELPHIA, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE PURPOSE OF REPAIRING, RENOVATING AND REFURBISHING THE COTESWORTH CULTURE AND HERITAGE CENTER AND FOR THE PURCHASE OF PROPERTY AT SUCH CENTER; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST THE CITY OF RIDGELAND, MISSISSIPPI, IN PAYING COSTS ASSOCIATED WITH THE WIDENING OF LAKE HARBOUR ROAD IN RIDGELAND, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST THE CITY OF JACKSON, MISSISSIPPI, IN PAYING COSTS ASSOCIATED WITH THE REPAIR AND REHABILITATION OR REPLACEMENT AND RECONSTRUCTION OF THE WOODROW WILSON AVENUE BRIDGE IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH THE REPAIR AND RENOVATION OF AND UPGRADES AND IMPROVEMENTS TO THE MISSISSIPPI CHILDREN'S MUSEUM IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST THE CITY OF FLOWOOD, MISSISSIPPI, OPERATING AS A LOCAL PUBLIC AGENCY, IN PAYING COSTS ASSOCIATED WITH THE REPAIR, REHABILITATION AND RESURFACING, CONSTRUCTION AND RECONSTRUCTION, INCLUDING THE WIDENING OF AND ADDITION OF LANES TO, OR PROFESSIONAL SERVICES RELATED TO SUCH, OF MISSISSIPPI HIGHWAY 25 LOCATED IN RANKIN COUNTY IN THE CITY OF FLOWOOD FROM ITS INTERSECTION WITH MISSISSIPPI HIGHWAY 475 EASTERLY TO ITS INTERSECTION WITH MISSISSIPPI HIGHWAY 471; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO ASSIST THE RAIL AUTHORITY OF EAST MISSISSIPPI IN PAYING COSTS INCURRED BY THE AUTHORITY FOR AN ENVIRONMENTAL IMPACT STUDY AND A STUDY TO DETERMINE ECONOMIC OPPORTUNITIES FOR SOUTHEAST MISSISSIPPI RELATED TO THE WOOD

PELLET INDUSTRY; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH THE REPAIR AND RENOVATION OF AND UPGRADES AND IMPROVEMENTS TO THALIA MARA HALL IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR RECONSTRUCTION, REPAIR AND RENOVATION OF THE MARITIME AND SEAFOOD INDUSTRY MUSEUM IN BILOXI, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO PAYING COST ASSOCIATED REPAIR AND RENOVATION OF THE NEW CAPITOL BUILDING IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH THE REPAIR AND RENOVATION OF AND UPGRADES AND IMPROVEMENTS TO THE MISSISSIPPI ARMED FORCES MUSEUM AT CAMP SHELBY; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR CONSTRUCTION, FURNISHING AND EQUIPPING OF NEW PSYCHIATRIC RECEIVING UNITS AND RELATED BUILDINGS AND FACILITIES AT EAST MISSISSIPPI STATE HOSPITAL; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH UPGRADES AND IMPROVEMENTS TO PARHAM BRIDGES PARK IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$10,000,000.00 FOR THE ACE FUND; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$3,000,000.00 FOR THE MISSISSIPPI JOB PROTECTION ACT FUND; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$1,700,000.00 FOR THE MISSISSIPPI RURAL IMPACT FUND; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$4,000,000.00 TO PROVIDE FUNDS FOR THE MISSISSIPPI DEVELOPMENT AUTHORITY WORKFORCE TRAINING FUND; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$5,000,000.00 TO PROVIDE FUNDS FOR THE SMALL MUNICIPALITIES AND LIMITED POPULATION COUNTIES FUND; TO AMEND SECTION 57-1-18, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PORTION OF THE PROCEEDS OF CERTAIN BONDS MAY BE USED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY TO REIMBURSE CERTAIN COSTS RELATED TO THE ADMINISTRATION OF THE FUND; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$10,000,000.00 TO PROVIDE FUNDS TO ASSIST THE JACKSON COUNTY PORT AUTHORITY IN PAYING THE COSTS OF UPGRADING FACILITIES AT THE PORT OF PASCAGOULA; TO AMEND SECTION 57-61-25, MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$331,500,000.00 TO \$341,500,000.00 THE AMOUNT OF GENERAL OBLIGATION BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT; TO AMEND SECTION 57-61-36, MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$40,100,000.00 TO \$50,100,000.00

THE AMOUNT OF BOND PROCEEDS THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY UTILIZE UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT TO MAKE LOANS OR GRANTS TO COUNTIES AND MUNICIPALITIES THROUGH AN EQUIPMENT AND PUBLIC FACILITIES GRANT AND LOAN FUND TO AID IN INFRASTRUCTURE-RELATED IMPROVEMENTS, THE PURCHASE OF EQUIPMENT AND IN THE PURCHASE, CONSTRUCTION OR REPAIR AND RENOVATION OF PUBLIC FACILITIES; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$61,000,000.00 TO \$63,000,000.00 THE AMOUNT OF GENERAL OBLIGATION BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT FOR PROJECTS DESIGNED TO ENHANCE FACILITIES THAT ARE AT RISK FOR CLOSURE PURSUANT TO THE BASE CLOSURE AND REALIGNMENT ACT OF 1991 OR OTHER APPLICABLE FEDERAL LAW AND FOR CERTAIN PROJECTS RELATED TO MILITARY FACILITIES THAT ARE NO LONGER OPERATED BY THE UNITED STATES ARMED SERVICES OR THE MISSISSIPPI NATIONAL GUARD; TO AMEND SECTIONS 6 THROUGH 20, CHAPTER 521, LAWS OF 1995, AS LAST AMENDED BY SECTION 13, CHAPTER 480, LAWS OF 2011, TO INCREASE FROM \$28,843,000.00 TO \$29,843,000.00 THE AMOUNT OF STATE GENERAL OBLIGATION BONDS AUTHORIZED TO BE ISSUED FOR THE LOCAL GOVERNMENT AND RURAL WATER SYSTEMS REVOLVING LOAN FUND; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$1,000,000.00 TO PROVIDE MATCHING FUNDS FOR FEDERAL FUNDS FOR THE WATER POLLUTION CONTROL REVOLVING FUND; TO AMEND SECTION 49-17-85, MISSISSIPPI CODE OF 1972, TO AUTHORIZE INTEREST AND INVESTMENT EARNINGS ON MONEY IN THE WATER POLLUTION CONTROL REVOLVING FUND TO BE UTILIZED TO PAY DEBT SERVICE ON THE BONDS AUTHORIZED TO BE ISSUED BY THIS ACT; TO AMEND SECTION 1, CHAPTER 480, LAWS OF 2011, AS AMENDED BY HOUSE BILL NO. 1049, 2013 REGULAR SESSION, TO DELETE CERTAIN GENERAL OBLIGATION BOND AUTHORIZATIONS FOR THE DIVISION OF MEDICAID AND THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 3, CHAPTER 520, LAWS OF 2010, TO REVISE THE PURPOSES FOR WHICH FUNDS IN THE CAMP SHELBY ACCESS IMPROVEMENT FUND MAY BE UTILIZED; TO AMEND SECTIONS 1 THROUGH 24, CHAPTER 522, LAWS OF 2003, AS LAST AMENDED BY SECTION 21, CHAPTER 480, LAWS OF 2011, TO TRANSFER CONTROL OF THE 2003 CHALMERS INSTITUTE REPAIR AND RENOVATION FUND TO THE DEPARTMENT OF ARCHIVES AND HISTORY; TO AMEND SECTION 57-1-221, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT REPAYMENTS OF LOANS MADE FROM THE MISSISSIPPI INDUSTRY INCENTIVE FINANCING REVOLVING FUND SHALL BE DEPOSITED TO THE CREDIT OF THE MISSISSIPPI INDUSTRY INCENTIVE FINANCING REVOLVING FUND UNTIL THE BALANCE IN THE FUND REACHES \$50,000,000.00; TO PROVIDE THAT ONCE THE BALANCE IN THE FUND REACHES \$50,000,000.00, REPAYMENTS OF SUCH LOANS SHALL BE DEPOSITED TO THE CREDIT OF FUND NO. 3951 IN THE

STATE TREASURY TO PAY DEBT SERVICE ON BONDS UNTIL SUCH TIME AS THE BALANCE IN THE FUND FALLS BELOW \$50,000,000.00; TO REQUIRE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO NOTIFY THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE OF THE APPROVAL OF ANY GRANT OR LOAN APPLICATION; TO REQUIRE REQUESTS FOR PROPOSALS FOR BOND COUNSEL ISSUED ON BEHALF OF THE STATE BOND COMMISSION TO BE POSTED ON THE WEBSITE OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE STATE TREASURER; TO PROVIDE THAT ONCE BOND COUNSEL IS SELECTED FOR A BOND ISSUE, THE NAME AND ADDRESS OF THE COUNSEL SO SELECTED AND ANY PAYMENTS MADE TO SUCH COUNSEL SHALL BE POSTED ON THE WEBSITE OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE STATE TREASURER; TO AMEND SECTION 7-1-403, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN REPORTS COMPILED BY THE BOND ADVISORY DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO BE SUBMITTED TO THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE AND THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND POSTED ON THE WEBSITE OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR RELATED PURPOSES.

2013 GENERAL LAWS OF MISSISSIPPI SB 2013

MISSISSIPPI LEGISLATURE

2013 Regular Session

To: Finance

By: Senator(s) Fillingane, Jordan

Senate Bill 2013

(As Sent to Governor)

AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS FOR STATE INSTITUTIONS OF HIGHER LEARNING; TO PROVIDE THAT IT IS THE INTENT OF THE LEGISLATURE TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS DURING THE 2014 AND 2015 REGULAR SESSIONS FOR THE CAPITAL NEEDS OF STATE INSTITUTIONS OF HIGHER LEARNING AS RECOMMENDED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION IN REPORTS SUBMITTED TO THE SENATE FINANCE COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS FOR COMMUNITY AND JUNIOR COLLEGES; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE MISSISSIPPI COMMUNITY HERITAGE PRESERVATION GRANT FUND; TO AMEND SECTION 39-5-145, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH THE REPAIR AND RENOVATION OF AND UPGRADES AND IMPROVEMENTS TO THE MISSISSIPPI CRAFT CENTER IN RIDGELAND, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR IMPROVEMENTS TO THE JACKSON ZOO; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING THE COSTS OF REPAIRING DAMAGE TO LOVETT ELEMENTARY SCHOOL IN CLINTON, MISSISSIPPI, THAT OCCURRED AS A RESULT OF A HAILSTORM ON MARCH 18, 2013; TO AMEND SECTION 45, CHAPTER 480, LAWS OF 2011, TO INCREASE THE AMOUNT OF STATE GENERAL OBLIGATION BONDS THAT MAY BE ISSUED FOR THE PURPOSE OF PROVIDING FUNDS FOR THE MISSISSIPPI RAILROAD IMPROVEMENTS FUND; TO AMEND SECTION 7, CHAPTER 520, LAWS OF 2010, TO AUTHORIZE THE WAIVER OF CERTAIN CONDITIONS THAT MUST BE SATISFIED BEFORE STATE GENERAL OBLIGATION BONDS MAY BE ISSUED FOR THE PURPOSE OF PROVIDING FUNDS FOR THE NORTH CENTRAL MISSISSIPPI REGIONAL RAILROAD AUTHORITY GRANT PROGRAM AND TO EXTEND THE TIME WITHIN WHICH SUCH BONDS MAY BE ISSUED; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS

TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH THE DESIGN, FABRICATION AND INSTALLATION OF PERMANENT EXHIBITS, INCLUDING THE DEVELOPMENT OF ALL ASSOCIATED FILMS AND INTERACTIVE COMPONENTS, FOR THE GRAMMY® MUSEUM MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR CONSTRUCTING, FURNISHING AND EQUIPPING THE MARTY STUART CENTER AND CONGRESS OF COUNTRY MUSIC HALL IN PHILADELPHIA, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE PURPOSE OF REPAIRING, RENOVATING AND REFURBISHING THE COTESWORTH CULTURE AND HERITAGE CENTER AND FOR THE PURCHASE OF PROPERTY AT SUCH CENTER; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST THE CITY OF RIDGELAND, MISSISSIPPI, IN PAYING COSTS ASSOCIATED WITH THE WIDENING OF LAKE HARBOUR ROAD IN RIDGELAND, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST THE CITY OF JACKSON, MISSISSIPPI, IN PAYING COSTS ASSOCIATED WITH THE REPAIR AND REHABILITATION OR REPLACEMENT AND RECONSTRUCTION OF THE WOODROW WILSON AVENUE BRIDGE IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH THE REPAIR AND RENOVATION OF AND UPGRADES AND IMPROVEMENTS TO THE MISSISSIPPI CHILDREN'S MUSEUM IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST THE CITY OF FLOWOOD, MISSISSIPPI, OPERATING AS A LOCAL PUBLIC AGENCY, IN PAYING COSTS ASSOCIATED WITH THE REPAIR, REHABILITATION AND RESURFACING, CONSTRUCTION AND RECONSTRUCTION, INCLUDING THE WIDENING OF AND ADDITION OF LANES TO, OR PROFESSIONAL SERVICES RELATED TO SUCH, OF MISSISSIPPI HIGHWAY 25 LOCATED IN RANKIN COUNTY IN THE CITY OF FLOWOOD FROM ITS INTERSECTION WITH MISSISSIPPI HIGHWAY 475 EASTERLY TO ITS INTERSECTION WITH MISSISSIPPI HIGHWAY 471; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO ASSIST THE RAIL AUTHORITY OF EAST MISSISSIPPI IN PAYING COSTS INCURRED BY THE AUTHORITY FOR AN ENVIRONMENTAL IMPACT STUDY AND A STUDY TO DETERMINE ECONOMIC OPPORTUNITIES FOR SOUTHEAST MISSISSIPPI RELATED TO THE WOOD PELLET INDUSTRY; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH THE REPAIR AND RENOVATION OF AND UPGRADES AND IMPROVEMENTS TO THALIA MARA HALL IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS

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FOR RECONSTRUCTION, REPAIR AND RENOVATION OF THE MARITIME AND SEAFOOD INDUSTRY MUSEUM IN BILOXI, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO PAYING COST ASSOCIATED REPAIR AND RENOVATION OF THE NEW CAPITOL BUILDING IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH THE REPAIR AND RENOVATION OF AND UPGRADES AND IMPROVEMENTS TO THE MISSISSIPPI ARMED FORCES MUSEUM AT CAMP SHELBY; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR CONSTRUCTION, FURNISHING AND EQUIPPING OF NEW PSYCHIATRIC RECEIVING UNITS AND RELATED BUILDINGS AND FACILITIES AT EAST MISSISSIPPI STATE HOSPITAL; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH UPGRADES AND IMPROVEMENTS TO PARHAM BRIDGES PARK IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$10,000,000.00 FOR THE ACE FUND; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$3,000,000.00 FOR THE MISSISSIPPI JOB PROTECTION ACT FUND; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$1,700,000.00 FOR THE MISSISSIPPI RURAL IMPACT FUND; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$4,000,000.00 TO PROVIDE FUNDS FOR THE MISSISSIPPI DEVELOPMENT AUTHORITY WORKFORCE TRAINING FUND; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$5,000,000.00 TO PROVIDE FUNDS FOR THE SMALL MUNICIPALITIES AND LIMITED POPULATION COUNTIES FUND; TO AMEND SECTION 57-1-18, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PORTION OF THE PROCEEDS OF CERTAIN BONDS MAY BE USED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY TO REIMBURSE CERTAIN COSTS RELATED TO THE ADMINISTRATION OF THE FUND; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$10,000,000.00 TO PROVIDE FUNDS TO ASSIST THE JACKSON COUNTY PORT AUTHORITY IN PAYING THE COSTS OF UPGRADING FACILITIES AT THE PORT OF PASCAGOULA; TO AMEND SECTION 57-61-25, MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$331,500,000.00 TO \$341,500,000.00 THE AMOUNT OF GENERAL OBLIGATION BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT; TO AMEND SECTION 57-61-36, MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$40,100,000.00 TO \$50,100,000.00 THE AMOUNT OF BOND PROCEEDS THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY UTILIZE UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT TO MAKE

LOANS OR GRANTS TO COUNTIES AND MUNICIPALITIES THROUGH AN EQUIPMENT AND PUBLIC FACILITIES GRANT AND LOAN FUND TO AID IN INFRASTRUCTURE-RELATED IMPROVEMENTS, THE PURCHASE OF EQUIPMENT AND IN THE PURCHASE, CONSTRUCTION OR REPAIR AND RENOVATION OF PUBLIC FACILITIES; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$61,000,000.00 TO \$63,000,000.00 THE AMOUNT OF GENERAL OBLIGATION BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT FOR PROJECTS DESIGNED TO ENHANCE FACILITIES THAT ARE AT RISK FOR CLOSURE PURSUANT TO THE BASE CLOSURE AND REALIGNMENT ACT OF 1991 OR OTHER APPLICABLE FEDERAL LAW AND FOR CERTAIN PROJECTS RELATED TO MILITARY FACILITIES THAT ARE NO LONGER OPERATED BY THE UNITED STATES ARMED SERVICES OR THE MISSISSIPPI NATIONAL GUARD; TO AMEND SECTIONS 6 THROUGH 20, CHAPTER 521, LAWS OF 1995, AS LAST AMENDED BY SECTION 13, CHAPTER 480, LAWS OF 2011, TO INCREASE FROM \$28,843,000.00 TO \$29,843,000.00 THE AMOUNT OF STATE GENERAL OBLIGATION BONDS AUTHORIZED TO BE ISSUED FOR THE LOCAL GOVERNMENT AND RURAL WATER SYSTEMS REVOLVING LOAN FUND; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$1,000,000.00 TO PROVIDE MATCHING FUNDS FOR FEDERAL FUNDS FOR THE WATER POLLUTION CONTROL REVOLVING FUND; TO AMEND SECTION 49-17-85, MISSISSIPPI CODE OF 1972, TO AUTHORIZE INTEREST AND INVESTMENT EARNINGS ON MONEY IN THE WATER POLLUTION CONTROL REVOLVING FUND TO BE UTILIZED TO PAY DEBT SERVICE ON THE BONDS AUTHORIZED TO BE ISSUED BY THIS ACT; TO AMEND SECTION 1, CHAPTER 480, LAWS OF 2011, AS AMENDED BY HOUSE BILL NO. 1049, 2013 REGULAR SESSION, TO DELETE CERTAIN GENERAL OBLIGATION BOND AUTHORIZATIONS FOR THE DIVISION OF MEDICAID AND THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 3, CHAPTER 520, LAWS OF 2010, TO REVISE THE PURPOSES FOR WHICH FUNDS IN THE CAMP SHELBY ACCESS IMPROVEMENT FUND MAY BE UTILIZED; TO AMEND SECTIONS 1 THROUGH 24, CHAPTER 522, LAWS OF 2003, AS LAST AMENDED BY SECTION 21, CHAPTER 480, LAWS OF 2011, TO TRANSFER CONTROL OF THE 2003 CHALMERS INSTITUTE REPAIR AND RENOVATION FUND TO THE DEPARTMENT OF ARCHIVES AND HISTORY; TO AMEND SECTION 57-1-221, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT REPAYMENTS OF LOANS MADE FROM THE MISSISSIPPI INDUSTRY INCENTIVE FINANCING REVOLVING FUND SHALL BE DEPOSITED TO THE CREDIT OF THE MISSISSIPPI INDUSTRY INCENTIVE FINANCING REVOLVING FUND UNTIL THE BALANCE IN THE FUND REACHES \$50,000,000.00; TO PROVIDE THAT ONCE THE BALANCE IN THE FUND REACHES \$50,000,000.00, REPAYMENTS OF SUCH LOANS SHALL BE

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DEPOSITED TO THE CREDIT OF FUND NO. 3951 IN THE STATE TREASURY TO PAY DEBT SERVICE ON BONDS UNTIL SUCH TIME AS THE BALANCE IN THE FUND FALLS BELOW \$50,000,000.00; TO REQUIRE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO NOTIFY THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE OF THE APPROVAL OF ANY GRANT OR LOAN APPLICATION; TO REQUIRE REQUESTS FOR PROPOSALS FOR BOND COUNSEL ISSUED ON BEHALF OF THE STATE BOND COMMISSION TO BE POSTED ON THE WEBSITE OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE STATE TREASURER; TO PROVIDE THAT ONCE BOND COUNSEL IS SELECTED FOR A BOND ISSUE, THE NAME AND ADDRESS OF THE COUNSEL SO SELECTED AND ANY PAYMENTS MADE TO SUCH COUNSEL SHALL BE POSTED ON THE WEBSITE OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE STATE TREASURER; TO AMEND SECTION 7-1-403, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN REPORTS COMPILED BY THE BOND ADVISORY DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO BE SUBMITTED TO THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE AND THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND POSTED ON THE WEBSITE OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 IHL Capital Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment

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earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, with the approval of the Board of Trustees of State Institutions of Higher Learning on those projects related to the universities under its management and control to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities as hereinafter described:

NAME PROJECT	AMOUNT ALLOCATED
Alcorn State University.....	\$ 400,000.00
Preplanning for construction, furnishing and equipping of a new Academic Technology Building and related facilities.....	\$ 400,000.00
Delta State University.....	\$ 2,000,000.00
Extension and expansion of campus mechanical loop and related facilities.....	\$ 2,000,000.00
Jackson State University.....	\$ 8,500,000.00
Phase II of repair and renovation of Alexander Hall and related facilities.....	\$ 8,500,000.00
Mississippi University for Women.....	\$ 5,100,000.00
Phase II of repair, renovation furnishing, equipping and expansion of and additions to Fant Memorial Library.....	\$ 5,100,000.00
Mississippi State University.....	\$ 10,000,000.00
Repair and renovation of the historic YMCA building and related facilities.....	\$ 9,800,000.00
Preplanning for repair, renovation and expansion of and	

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additions to Mitchell	
Memorial Library.....	\$ 200,000.00
Mississippi State University/ Division of	
Agriculture, Forestry and Veterinary Medicine.....	\$ 7,500,000.00
Construction, furnishing and equipping of the Animal Life Sciences Initiative at the Leveck Animal Research Center.....	\$ 7,500,000.00
Mississippi Valley State University.....	\$ 6,000,000.00
Phase II of repair, renovation, furnishing, equipping and expansion of the R.W. Harrison Complex.....	\$ 6,000,000.00
University of Mississippi.....	\$ 6,000,000.00
Repair and renovation of the Music Building and Meek Hall.....	\$ 6,000,000.00
University of Mississippi Medical Center.....	\$ 31,000,000.00
Phase I of construction, furnishing and equipping of a new School of Medicine classroom building.....	\$ 31,000,000.00
University of Southern Mississippi....	\$ 20,000,000.00
Construction, furnishing and equipping of a new building and related facilities to house the School of Nursing.....	\$ 20,000,000.00
TOTAL.....	\$ 96,500,000.00

(b) (i) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this subsection. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under this section are deposited into

the special fund, then the institution of higher learning for which any unused monies are allocated under paragraph (a) of this subsection shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(ii) Monies in the special fund may be used to reimburse reasonable actual and necessary costs incurred by the Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, in administering or providing assistance directly related to a project described in paragraph (a) of this subsection. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each project by the Department of Finance and Administration, Bureau of Building, Grounds and Real Property Management. Reimbursement of reasonable actual and necessary costs for a project shall not exceed two percent (2%) of the proceeds of bonds issued for such project. Monies authorized for a particular project may not be used to reimburse administrative costs for unrelated projects.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(d) Any amounts allocated to an institution of higher learning that are in excess of that needed to complete the projects at such institution of higher learning that are described in paragraph (a) of this subsection may be used for

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general repairs and renovations at the institution of higher learning.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Ninety-six Million Five Hundred Thousand Dollars (\$96,500,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

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(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest -coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

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If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special funds created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title

31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted,

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but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 2. It is the intent of the Legislature to authorize the issuance of general obligation bonds during the 2014 and 2015 Regular Sessions for the capital needs of state institutions of higher learning as recommended by the Department of Finance and Administration in reports submitted to the Senate Finance Committee and the House Ways and Means Committee.

SECTION 3. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Community and Junior Colleges Capital Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under this act.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of acquisition of real property, construction of new facilities, equipping and furnishing facilities, including furniture and technology equipment and infrastructure, and addition to or renovation of existing facilities for community and junior college campuses as recommended by the Mississippi Community College

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Board. The amount to be expended at each community and junior college is as follows:

Coahoma.....	\$ 1,234,203.00
Copiah-Lincoln.....	\$ 1,396,966.00
East Central.....	\$ 1,252,104.00
East Mississippi.....	\$ 1,577,354.00
Hinds.....	\$ 2,797,195.00
Holmes.....	\$ 1,803,856.00
Itawamba.....	\$ 1,977,372.00
Jones.....	\$ 1,613,546.00
Meridian.....	\$ 1,418,026.00
Mississippi Delta.....	\$ 1,358,169.00
Mississippi Gulf Coast.....	\$ 2,341,475.00
Northeast Mississippi.....	\$ 1,397,242.00
Northwest Mississippi.....	\$ 2,078,651.00
Pearl River.....	\$ 1,588,051.00
Southwest Mississippi.....	\$ 1,165,790.00

GRAND TOTAL..... \$25,000,000.00

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this subsection. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under this section are deposited into the special fund, then the community college or junior college for which any such monies are allocated under paragraph (a) of this subsection shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this section shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection

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with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special funds created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed

twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at

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public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

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(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such

bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 4. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the Mississippi Community Heritage Preservation Grant Fund created pursuant to Section 39-5-145. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Five Million Dollars (\$5,000,000.00). No bonds authorized under this section shall be issued after July 1, 2017.

(b) The proceeds of bonds issued pursuant to this section shall be deposited into the Mississippi Community

Heritage Preservation Grant Fund created pursuant to Section 39-5-145. Any investment earnings on bonds issued pursuant to this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(3) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(4) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(5) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this

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section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(6) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(7) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the Mississippi Community Heritage

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Preservation Grant Fund created in Section 39-5-145, and the proceeds of such bonds shall be disbursed for the purposes provided in Section 39-5-145.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

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(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section of this act shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 5. Section 39-5-145, Mississippi Code of 1972, is amended as follows:

39-5-145. (1) A special fund, to be designated the "Mississippi Community Heritage Preservation Grant Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. The fund shall consist of any monies designated for deposit therein from any source, including proceeds of any state general obligation bonds designated for deposit therein. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned or investment earnings on amounts in the fund shall be deposited into the fund. The expenditure of monies deposited into the fund shall be under the direction of the Department of Finance and Administration, based upon recommendations of the Board of Trustees of the Department of Archives and History, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration. Monies deposited into such fund shall be allocated and disbursed according to the provisions of this section. If any monies in the special fund are derived from proceeds of state general obligation bonds and are not

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used within four (4) years after the date such bond proceeds are deposited into the special fund, then the Department of Finance and Administration shall provide an accounting of such unused monies to the State Bond Commission.

(2) Monies deposited into the fund shall be allocated and disbursed as follows:

(a) (i) * * * Thirty Million Six Hundred Thousand Dollars (\$30,600,000.00) shall be allocated and disbursed as grants on a reimbursable basis through the Department of Finance and Administration, based upon the recommendations of the Board of Trustees of the Department of Archives and History, to assist county governments, municipal governments, school districts and nonprofit organizations that have obtained Section 501(c)(3) tax-exempt status from the United States Internal Revenue Service in helping pay the costs incurred in preserving, restoring, rehabilitating, repairing or interpreting 1. historic county courthouses, 2. historic school buildings, and/or 3. other historic properties identified by certified local governments. Where possible, expenditures from the fund shall be used to match federal grants or other grants that may be accessed by the Department of Archives and History, other state agencies, county governments or municipal governments, school districts or nonprofit organizations that have obtained Section 501(c)(3) tax-exempt status from the United States Internal Revenue Service. Any properties, except those described in paragraphs (b) and (d) of this subsection, receiving monies pursuant to this section must be designated as "Mississippi Landmark" properties prior to selection as projects for funding under the provisions of this section.

(ii) One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) shall be allocated and disbursed as grants through the Department of Finance and Administration, based upon the recommendations of the Board of Trustees of the Department of Archives and History, to assist county governments in helping pay the costs of historically appropriate restoration, repair and renovation of historically significant county courthouses. Grants to individual courthouses under this paragraph (a) (ii) shall not exceed Eight Hundred Seventy-five Thousand Dollars (\$875,000.00).

(b) Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be allocated and disbursed as grant funds to the Amory Regional Museum in Amory, Mississippi, to pay the costs of

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capital improvements, repair, renovation, furnishing and/or equipping of the museum. The Department of Finance and Administration is directed to transfer Two Hundred Fifty Thousand Dollars (\$250,000.00) from the fund to the city on or before December 31, 2004, and the city shall place the funds into an escrow account. The city may expend the funds from the account only in an amount equal to matching funds that are provided from any source other than the state for the project. As the funds are withdrawn from the escrow account, the city shall certify to the Department of Finance and Administration the amount of the funds that have been withdrawn and that the funds withdrawn are in an amount equal to matching funds required by this paragraph.

(c) One Hundred Thousand Dollars (\$100,000.00) shall be allocated and disbursed as grant funds to the Jacinto Foundation, Inc., to pay the costs of capital improvements, repairing, renovating, restoring, rehabilitating, preserving, furnishing and/or equipping the courthouse and related facilities in Jacinto, Mississippi, and to pay the costs of capital improvements, repairing, renovating, restoring, rehabilitating, preserving, furnishing and/or equipping other buildings and facilities near the courthouse.

(d) Four Hundred Twenty-five Thousand Dollars (\$425,000.00) shall be allocated and disbursed as grant funds to the Oxford-Lafayette County Heritage Foundation to pay the costs of capital improvements, repairing, renovating, restoring, rehabilitating, preserving, furnishing, equipping and/or acquiring the L.Q.C. Lamar Home in Oxford, Mississippi.

(e) Seventy-five Thousand Dollars (\$75,000.00) shall be allocated and disbursed as grant funds to the City of Columbus, Mississippi, to assist in paying the costs associated with repair, renovation and restoration of the Columbus City Hall building and related facilities.

(f) One Million Dollars (\$1,000,000.00) shall be allocated and disbursed as grant funds to the Town of Wesson, Mississippi, to pay the costs of restoration and renovation of the Old Wesson School.

* * *

(* * * g) Monies in the Mississippi Community Heritage Preservation Grant Fund which are derived from proceeds of state general obligation bonds may be used to reimburse reasonable

actual and necessary costs incurred by the Mississippi Department of Archives and History in providing assistance directly related to a project described in paragraph (a) of this subsection for which funding is provided under this section. Reimbursement may be made only until such time as the project is completed. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each project by the Mississippi Department of Archives and History. Reimbursement of reasonable actual and necessary costs for a project shall not exceed three percent (3%) of the proceeds of bonds issued for such project. Monies authorized for a particular project may not be used to reimburse administrative costs for unrelated projects.

(3) (a) The Board of Trustees of the Department of Archives and History shall receive and consider proposals from county governments, municipal governments, school districts and nonprofit organizations that have obtained Section 501(c)(3) tax-exempt status from the United States Internal Revenue Service for projects associated with the preservation, restoration, rehabilitation, repair or interpretation of (i) historic courthouses, (ii) historic school buildings, and/or (iii) other historic properties identified by certified local governments. Proposals shall be submitted in accordance with the provisions of procedures, criteria and standards developed by the board. The board shall determine those projects to be funded and may require matching funds from any applicant seeking assistance under this section. This subsection shall not apply to projects described in subsection (2)(a)(ii), (2)(b), (2)(c), (2)(d), (2)(e) * * * and (2)(f) * * * of this section.

(b) The Board of Trustees of the Department of Archives and History shall receive and consider proposals from county governments for projects associated with historically appropriate restoration, repair and renovation of historically significant county courthouses. Proposals shall be submitted in accordance with the provisions of procedures, criteria and standards developed by the board. The board shall determine those projects to be funded and may require matching funds from any applicant seeking assistance under this section. This subsection shall not apply to projects described in subsection (2)(a)(i), (2)(b), (2)(c), (2)(d), (2)(e) * * * and (2)(f) * * * of this section.

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(4) The Department of Archives and History shall publicize the Community Heritage Preservation Grant Program described in this section on a statewide basis, including the publication of the criteria and standards used by the department in selecting projects for funding. The selection of a project for funding under the provisions of this section shall be made solely upon the deliberate consideration of each proposed project on its merits. The board shall make every effort to award the grants in a manner that will fairly distribute the funds in regard to the geography and cultural diversity of the state. This subsection shall not apply to projects described in subsection (2)(b), (2)(c), (2)(d), (2)(e)* * * and (2)(f)* * * of this section.

(5) With regard to any project awarded funding under this section, any consultant, planner, architect, engineer, exhibit contracting firm, historic preservation specialist or other professional hired by a grant recipient to work on any such project shall be approved by the board before their employment by the grant recipient.

(6) Plans and specifications for all projects initiated under the provisions of this section shall be approved by the board before the awarding of any contracts. The plans and specifications for any work involving "Mississippi Landmark" properties shall be developed in accordance with "The Secretary of the Interior's Standards for the Treatment of Historic Properties."

SECTION 6. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Mississippi Craft Center Improvements Fund" is created within the State Treasury. The fund shall be maintained by the

State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist in paying costs associated with the repair and renovation of and upgrades and improvements to the Mississippi Craft Center in Ridgeland, Mississippi.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00). No bonds shall be issued under this section after July 1, 2017.

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(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this

section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds

of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

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(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 7. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Jackson Zoo Improvements Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the

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State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of construction, repair, renovation, replacement and improvement of buildings, facilities, exhibits and infrastructure at the Jackson Zoo in Jackson, Mississippi.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Million Dollars (\$1,000,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under

this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of

the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if

any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided,

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including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 8. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated the "2013 Lovett Elementary School Repair Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration,

to assisting paying the costs of repairing damage to Lovett Elementary School in Clinton, Mississippi, that occurred as a result of a hailstorm on March 18, 2013.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The

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total amount of bonds issued under this section shall not exceed Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents

of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one (1) time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

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(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 9. Section 45, Chapter 480, Laws of 2011, is amended as follows:

Section 45. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) The Mississippi Development Authority, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the program authorized in

Section 44 of this act. Upon the adoption of a resolution by the Mississippi Development Authority declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed* * * Seven Million Five Hundred Thousand Dollars (\$7,500,000.00). No bonds authorized under this section shall be issued after July 1, 2015.

(b) The proceeds of bonds issued pursuant to this section shall be deposited into the Mississippi Railroad Improvements Fund created pursuant to Section 44 of this act. Any investment earnings on bonds issued pursuant to this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(3) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(4) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds

may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(5) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(6) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds, and for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers

published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(7) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the Mississippi Railroad Improvements Fund created in Section 44 of this act. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a

newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

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SECTION 10. Section 7, Chapter 520, Laws of 2010, is amended as follows:

Section 7. (1) As used in this section:

(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(d) "MDA" means the Mississippi Development Authority.

(2) (a) There is established the North Central Mississippi Regional Railroad Authority Grant Program to be administered by the MDA to provide grants to the North Central Mississippi Regional Railroad Authority.

(b) The MDA shall have all powers necessary to implement and administer the program established under this section.

(3) (a) There is created in the State Treasury a special fund to be designated as the "North Central Mississippi Regional Railroad Authority Grant Fund." The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(b) Monies deposited into the fund shall be disbursed by the Mississippi Development Authority in the form of a grant to the North Central Mississippi Regional Railroad Authority to pay a portion of the costs incurred by the Mississippi Regional Railroad Authority for the repair, reconstruction and improvement of the existing railroad line from the City of West Point, Mississippi, to Greenwood, Mississippi.

(c) The expenditure of monies deposited into the special fund shall be under the direction of the MDA, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, which warrants

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shall be issued upon requisitions signed by the Executive Director of the MDA.

(* * *4) (a) Except as otherwise provided in paragraph (b) of this subsection, upon the receipt of the funds described in paragraph (b) of this subsection or verification that such funds are irrevocably committed, the MDA, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the program authorized in this section. Upon the adoption of a resolution by the Mississippi Development Authority* * * declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Fifteen Million Dollars (\$15,000,000.00). No bonds authorized under this section shall be issued after July 1,* * * 2016.

(b) Except as otherwise provided in this paragraph (b), the issuance of the bonds described in this subsection and the allocation of funds under this section are conditioned upon the private sector, local governments or the federal government providing not less than Sixty-five Million Dollars (\$65,000,000.00) for the purpose of the repair, reconstruction and improvement of the existing railroad line from the City of West Point, Mississippi, to Greenwood, Mississippi. However, such condition may be waived by the MDA for any new economic development project that locates a new industry along or near such section of railroad line after January 1, 2013, with a capital investment of not less than One Hundred Million Dollars (\$100,000,000.00) which will create at least one hundred (100) full-time jobs with an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least Thirty-five Thousand Dollars (\$35,000.00), and for which construction begins not later than July 1, 2016.

(c) The proceeds of bonds issued pursuant to this section shall be deposited into the North Central Mississippi Regional Railroad Authority Grant Fund created pursuant to subsection (3) of this section. Any investment earnings on bonds issued pursuant to this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(* * *5) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(* * *6) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(* * *7) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of

the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(* * *8) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(* * *9) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(* * *10) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the North Central Mississippi Regional Railroad Authority Grant Fund created in subsection (3) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the MDA under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(* * *11) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(* * *12) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(* * *13) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(* * *14) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and

political subdivisions for the purpose of securing the deposit of public funds.

(* * * 15) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(* * * 16) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(* * * 17) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(* * * 18) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 11. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated the "2012 GRAMMY® Museum Mississippi Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the

General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist in paying costs associated with the design, fabrication and installation of permanent exhibits, including the development of all associated films and interactive components, for the GRAMMY® Museum Mississippi.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified

copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Three Million Dollars (\$3,000,000.00). No bonds shall be issued under this section after July 1, 2016.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same

effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for

the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 12. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

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(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Marty Stuart Center and Congress of Country Music Hall Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of constructing, furnishing and equipping the Marty Stuart Center and Congress of Country Music Hall in Philadelphia, Mississippi.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon

the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. The Legislature encourages the provision of matching funds in the amount of One Million Dollars (\$1,000,000.00). Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Million Dollars (\$1,000,000.00).

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of

such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of

the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action,

mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 13. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued

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thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Cotesworth Culture and Heritage Center Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of repairing, renovating and refurbishing the Cotesworth Culture and Heritage Center in Carroll County, Mississippi, and for the purchase of property at such center.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by

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the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. The Legislature encourages the provision of matching funds in the amount of Two Million Dollars (\$2,000,000.00). Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Two Million Dollars (\$2,000,000.00).

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

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If such bonds are sold by sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title

31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted,

but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 14. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 City of Ridgeland-Lake Harbour Road Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist the City of Ridgeland, Mississippi, in paying costs associated with the widening Lake Harbour Drive in Ridgeland, Mississippi, to four (4) lanes with a center turn lane, from North Park Drive to U.S. Highway 51 and costs associated with the construction of a multiuse trail along Lake Harbour Drive from North Park Drive to U.S. Highway 51.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Million Dollars (\$1,000,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission.

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The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having

a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a

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newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 15. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 City of Jackson Woodrow Wilson Avenue Bridge Improvements Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist the City of Jackson, Mississippi, in paying costs associated with the repair and rehabilitation of the Woodrow Wilson Avenue Bridge in Jackson, Mississippi.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon

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the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Million Dollars (\$1,000,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before

the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and

redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all

rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 16. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the

rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Mississippi Children's Museum Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist in paying costs associated with the repair and renovation of and upgrades and improvements to the Mississippi Children's Museum in Jackson, Mississippi, including, but not limited to, repairing the event facility and adding a literacy garden.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed

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by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. The Legislature encourages the provision of matching funds in the amount of Six Hundred Thousand Dollars (\$600,000.00). Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title

31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted,

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but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 17. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 City of Flowood Mississippi Highway 25 Improvements Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of and in accordance with the Mississippi Department of Transportation Local Public Agencies Division, to assist the City of Flowood, Mississippi, operating as a local public agency, in paying costs associated with:

1. The repair, rehabilitation and resurfacing of Mississippi Highway 25 located in Rankin County in the City of Flowood from its intersection with Mississippi Highway 475 easterly to its intersection with Mississippi Highway 471.

2. The construction and reconstruction, including the widening of and addition of lanes to, Mississippi Highway 25 located in Rankin County in the City of Flowood from its intersection with Mississippi Highway 475 easterly to its intersection with Mississippi Highway 471.

3. Professional services related to items 1. and 2. of this subparagraph (ii).

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(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Four Million Nine Hundred Thousand Dollars (\$4,900,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi,

shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from

the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution

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may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this

section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 18. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated the "2013 Rail Authority of East Mississippi Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Mississippi Development Authority, to the Rail Authority of East Mississippi to assist in paying costs incurred by the Rail Authority of East Mississippi for an environmental impact study and a study to determine economic opportunities for Southeast Mississippi related to the wood pellet industry.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects

described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The expenditure of monies deposited into the special fund shall be under the direction of the Mississippi Development Authority, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, which warrants shall be issued upon requisitions signed by the Executive Director of the Mississippi Development Authority, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Mississippi Development Authority declaring that funds have been committed in the required amount and declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Million Dollars (\$1,000,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be

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in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable

in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one (1) time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions

and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department

of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 19. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Thalia Mara Hall Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist in paying costs associated with the repair and renovation of and upgrades and improvements to the Thalia Mara Hall in Jackson, Mississippi, including, but not limited to, restroom improvements; heating, ventilation and air conditioning improvements; and compliance with the Americans with Disabilities Act.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. The Legislature encourages the provision of matching funds in the amount of Two Million Dollars (\$2,000,000.00). Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not

exceed One Million Dollars (\$1,000,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform

Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

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(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 20. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Maritime and Seafood Industry Museum Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal

year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of reconstruction, repair and renovation of the Maritime and Seafood Industry Museum in Biloxi, Mississippi.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. The Legislature encourages the provision of matching funds in the amount of One Million Dollars (\$1,000,000.00). Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon

receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for the sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Million Dollars (\$1,000,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had

remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method of the sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds, and for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale shall be made at a price less than par plus accrued interest to the date of delivery of the bonds to the purchaser. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required

by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 21. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce

the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 New Capitol Building Repair and Renovation Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist in paying costs associated with the repair and renovation of the New Capitol Building in Jackson, Mississippi, including, but not limited to, roof repair and compliance with the Americans With Disabilities Act.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of

and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies

organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 22. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies

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organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 22. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

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(2) (a) (i) A special fund, to be designated as the "2013 Mississippi Armed Forces Museum Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist in paying costs associated with the repair and renovation of and upgrades and improvements to the Mississippi Armed Forces Museum at Camp Shelby.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. The Legislature encourages the provision of matching funds

in the amount of Two Million Dollars (\$2,000,000.00). Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Two Million Dollars (\$2,000,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of

such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of

the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action,

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mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 23. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued

thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Department of Mental Health - East Mississippi State Hospital Capital Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of construction, furnishing and equipping of new psychiatric receiving units and related buildings and facilities at East Mississippi State Hospital.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed

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by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Ten Million Three Hundred Fifty Thousand Dollars (\$10,350,000.00); however, of the amount of bonds authorized in this subsection, Six Million One Hundred Thousand Dollars (\$6,100,000.00) may be issued only if the general obligation bonds authorized in Sections 6 and 7, Chapter 580, Laws of 2007, as amended, are no longer authorized to be issued. No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or

without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best

interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

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(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such

bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 24. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Parham Bridges Park Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist in paying costs associated with upgrades and improvements to Parham Bridges Park in Jackson, Mississippi, including, but not limited to, a new entry and expansion of the walking trail.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be

applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Hundred Thousand Dollars (\$100,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in

this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and

sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other

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conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and

Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 25. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) The Mississippi Development Authority, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the program authorized in Section 57-1-16. Upon the adoption of a resolution by the Mississippi Development Authority declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with

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the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds authorized under this section shall be issued after July 1, 2017.

(b) The proceeds of bonds issued pursuant to this section shall be deposited into the ACE Fund created pursuant to Section 57-1-16. Any investment earnings on bonds issued pursuant to this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(3) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(4) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

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(5) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(6) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds, and for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(7) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such

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bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the ACE Fund created in Section 57-1-16. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of

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this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 26. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) The Mississippi Development Authority, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the program authorized in

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Section 57-95-1. Upon the adoption of a resolution by the Mississippi Development Authority declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Three Million Dollars (\$3,000,000.00). No bonds authorized under this section shall be issued after July 1, 2017.

(b) The proceeds of bonds issued pursuant to this section shall be deposited into the Mississippi Job Protection Act Fund created pursuant to Section 57-95-1. Any investment earnings on bonds issued pursuant to this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(3) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(4) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers.

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Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(5) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(6) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds, and for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

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The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(7) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the Mississippi Job Protection Act Fund created in Section 57-95-1. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 27. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

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(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) The Mississippi Development Authority, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the program authorized in Section 57-85-5. Upon the adoption of a resolution by the Mississippi Development Authority declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Million Seven Hundred Thousand Dollars (\$1,700,000.00). No bonds authorized under this section shall be issued after July 1, 2017.

(b) The proceeds of bonds issued pursuant to this section shall be deposited into the Mississippi Rural Impact Fund created pursuant to Section 57-85-5. Any investment earnings on bonds issued pursuant to this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(3) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi,

shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(4) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(5) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(6) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from

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the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(7) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the Mississippi Rural Impact Fund created in Section 57-85-5. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution

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may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this

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section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 28. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(d) "Department" means the Department of Finance and Administration.

(2) (a) The Department of Finance and Administration, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the Mississippi Development Authority Workforce Training Fund created under Section 57-1-401. Upon the adoption of a resolution by the department declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of the resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed

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Four Million Dollars (\$4,000,000.00). No bonds authorized under this section shall be issued after July 1, 2017.

(b) The proceeds of bonds issued under this section shall be deposited into the Mississippi Development Authority Workforce Training Fund created under Section 57-1-401. Any investment earnings on bonds issued under this section shall be used to pay debt service on those bonds, in accordance with the proceedings authorizing issuance of the bonds.

(3) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. The bonds shall bear such date or dates; be in such denomination or denominations; bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972); be payable at such place or places within or without the State of Mississippi; mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration privileges; and be substantially in such form, all as shall be determined by resolution of the commission.

(4) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(5) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents

of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(6) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(7) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the Mississippi Development Authority Workforce Training Fund created under Section 57-1-401. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

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(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 29. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2013 Port of Pascagoula Improvement Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not

lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist the Jackson County Port Authority, in paying the costs of upgrading facilities at the Port of Pascagoula.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this section after July 1, 2017.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

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(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale

of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 30. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) The Mississippi Development Authority, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the grant program authorized in Section 57-1-18. Upon the adoption of a resolution by the Mississippi Development Authority declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue

and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Five Million Dollars (\$5,000,000.00). No bonds authorized under this section shall be issued after July 1, 2017.

(b) The proceeds of bonds issued pursuant to this section shall be deposited into the Small Municipalities and Limited Population Counties Fund created pursuant to Section 57-1-18. Any investment earnings on bonds issued pursuant to this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(3) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(4) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However,

notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(5) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(6) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(7) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of

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and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the Small Municipalities and Limited Population Counties Fund created in Section 57-1-18. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies

organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 31. Section 57-1-18, Mississippi Code of 1972, is amended as follows:

57-1-18. (1) For the purposes of this section, the following terms shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Limited population county" means a county in the State of Mississippi with a population of thirty thousand (30,000) or less according to the most recent federal decennial census at the time the county submits its application to the MDA under this section.

(b) "MDA" means the Mississippi Development Authority.

(c) "Project" means highways, streets and other roadways, bridges, sidewalks, utilities, airfields, airports, acquisition

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and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the Small Municipalities and Limited Population Counties Fund created in Section 57-1-18. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies

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organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 31. Section 57-1-18, Mississippi Code of 1972, is amended as follows:

57-1-18. (1) For the purposes of this section, the following terms shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Limited population county" means a county in the State of Mississippi with a population of thirty thousand (30,000) or less according to the most recent federal decennial census at the time the county submits its application to the MDA under this section.

(b) "MDA" means the Mississippi Development Authority.

(c) "Project" means highways, streets and other roadways, bridges, sidewalks, utilities, airfields, airports, acquisition

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of equipment, acquisition of real property, development of real property, improvements to real property, and any other project approved by the MDA.

(d) "Small municipality" means a municipality in the State of Mississippi with a population of ten thousand (10,000) or less according to the most recent federal decennial census at the time the municipality submits its application to the MDA under this section. The term "small municipality" also includes a municipal historical hamlet as defined in Section 17-27-5.

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the "Small Municipalities and Limited Population Counties Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used to make grants to small municipalities and limited population counties or natural gas districts created by law and contained therein to assist in completing projects under this section.

(b) Monies in the fund which are derived from proceeds of bonds issued under Sections 1 through 16 of Chapter 538, Laws of 2002, Sections 1 through 16 of Chapter 508, Laws of 2003, Sections 55 through 70 of Chapter 1, Laws of 2004 Third Extraordinary Session, Sections 1 through 16 of Chapter 482, Laws of 2006, Section 15 of Chapter 580, Laws of 2007, Section 1 of Chapter 503, Laws of 2008, Section 42 of Chapter 557, Laws of 2009, Section 38 of Chapter 533, Laws of 2010, * * * Section 41 of Chapter 480, Laws of 2011, or Section 30 of this act, may be used to reimburse reasonable actual and necessary costs incurred by the MDA in providing assistance related to a project for which funding is provided under this section from the use of proceeds of such bonds. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each project by the MDA. Reimbursement of reasonable actual and necessary costs for a project shall not exceed three percent (3%) of the proceeds of bonds issued for such project. Monies authorized for a particular project may

not be used to reimburse administrative costs for unrelated projects. Reimbursements under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a grant program to make grants to small municipalities and limited population counties from the Small Municipalities and Limited Population Counties Fund. Grants made under this section to a small municipality or a limited population county shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) during any grant period established by the MDA. A small municipality or limited population county may apply to the MDA for a grant under this section in the manner provided for in this section.

(4) A small municipality or limited population county desiring assistance under this section must submit an application to the MDA. The application must include a description of the project for which assistance is requested, the cost of the project for which assistance is requested, the amount of assistance requested and any other information required by the MDA.

(5) The MDA shall have all powers necessary to implement and administer the program established under this section, and the department shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

(6) The MDA shall file an annual report with the Governor, the Secretary of the Senate and the Clerk of the House of Representatives not later than December 1 of each year, describing all assistance provided under this section.

SECTION 32. Section 57-61-25, Mississippi Code of 1972, is amended as follows:

57-61-25. (1) The seller is authorized to borrow, on the credit of the state upon receipt of a resolution from the Mississippi Development Authority requesting the same, money not exceeding the aggregate sum of* * * Three Hundred Forty-one Million Five Hundred Thousand Dollars (\$341,500,000.00), not including money borrowed to refund outstanding bonds, notes or replacement notes, as may be necessary to carry out the purposes of this chapter. The rate of interest on any such bonds or notes which are not subject to taxation shall not exceed the rates set forth in Section 75-17-101, Mississippi Code of 1972, for general obligation bonds.

(2) As evidence of indebtedness authorized in this chapter, general or limited obligation bonds of the state shall be issued from time to time to provide monies necessary to carry out the purposes of this chapter for such total amounts, in such form, in such denominations payable in such currencies (either domestic or foreign, or both) and subject to such terms and conditions of issue, redemption and maturity, rate of interest and time of payment of interest as the seller directs, except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from date thereof and extending not more than thirty (30) years from date thereof.

(3) All bonds and notes issued under authority of this chapter shall be signed by the chairman of the seller, or by his facsimile signature, and the official seal of the seller shall be affixed thereto, attested by the secretary of the seller.

(4) All bonds and notes issued under authority of this chapter may be general or limited obligations of the state, and the full faith and credit of the State of Mississippi as to general obligation bonds, or the revenues derived from projects assisted as to limited obligation bonds, are hereby pledged for the payment of the principal of and interest on such bonds and notes.

(5) Such bonds and notes and the income therefrom shall be exempt from all taxation in the State of Mississippi.

(6) The bonds may be issued as coupon bonds or registered as to both principal and interest, as the seller may determine. If interest coupons are attached, they shall contain the facsimile signature of the chairman and secretary of the seller.

(7) The seller is authorized to provide, by resolution, for the issuance of refunding bonds for the purpose of refunding any debt issued under the provisions of this chapter and then outstanding, either by voluntary exchange with the holders of the outstanding debt or to provide funds to redeem and the costs of issuance and retirement of the debt, at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the issuing officials in respect to the same shall be governed by the provisions of this section, insofar as they may be applicable.

(8) As to bonds issued hereunder and designated as taxable bonds by the seller, any immunity of the state to taxation by the United States government of interest on bonds or notes issued by the state is hereby waived.

(9) The proceeds of bonds issued under this chapter after April 9, 2002, may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in administering a program or providing assistance related to a project, or both, for which funding is provided from the use of proceeds of such bonds. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each project by the Mississippi Development Authority. Reimbursement of reasonable actual and necessary costs for a program or project shall not exceed three percent (3%) of the proceeds of bonds issued for such program or project. Monies authorized for a particular program or project may not be used to reimburse administrative costs for unrelated programs or projects. Reimbursements under this subsection shall satisfy any applicable federal tax law requirements.

SECTION 33. Section 57-61-36, Mississippi Code of 1972, is amended as follows:

57-61-36. (1) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making grants to municipalities through a Development Infrastructure Grant Fund to complete infrastructure related to new or expanded industry.

(2) [Repealed]

(3) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize the money transferred from the Housing Development Revolving Loan Fund and not more than * * * Fifty Million One Hundred Thousand Dollars (\$50,100,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making grants or loans to municipalities through an equipment and public facilities grant and loan fund to aid in infrastructure-related improvements as determined by the Mississippi Development Authority, the purchase of equipment and in the purchase, construction or repair and renovation of public facilities. Any bonds previously issued for the

Development Infrastructure Revolving Loan Program which have not been loaned or applied for are eligible to be administered as grants or loans. In making grants and loans under this section, the Mississippi Development Authority shall attempt to provide for an equitable distribution of such grants and loans among each of the congressional districts of this state in order to promote economic development across the entire state.

The requirements of Section 57-61-9 shall not apply to any grant made under this subsection. The Mississippi Development Authority may establish criteria and guidelines to govern grants made pursuant to this subsection.

(4) [Repealed]

(5) (a) The Mississippi Development Authority may establish a Capital Access Program and may contract with any financial institution to participate in the program upon such terms and conditions as the authority shall consider necessary and proper. The Mississippi Development Authority may establish loss reserve accounts at financial institutions that participate in the program and require payments by the financial institution and the borrower to such loss reserve accounts. All money in such loss reserve accounts is the property of the Mississippi Development Authority.

(b) Under the Capital Access Program a participating financial institution may make a loan to any borrower the Mississippi Development Authority determines to be qualified under rules and regulations adopted by the authority and be protected against losses from such loans as provided in the program. Under such rules and regulations as may be adopted by the Mississippi Development Authority, a participating financial institution may submit claims for the reimbursement for losses incurred as a result of default on loans by qualified borrowers.

(c) Under the Capital Access Program a participating financial institution may make a loan that is secured by the assignment of the proceeds of a contract between the borrower and a public entity if the Mississippi Development Authority determines the loan to be qualified under the rules and regulations adopted by the authority. Under such rules and regulations as may be adopted by the Mississippi Development Authority, a participating financial institution may submit an application to the authority requesting that a loan secured

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pursuant to this paragraph be funded under the Capital Access Program.

(d) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority may utilize not more than One Million Five Hundred Fifty Thousand Dollars (\$1,550,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making payments to loan loss reserve accounts established at financial institutions that participate in the Capital Access Program established by the Mississippi Development Authority; however, any portion of the bond proceeds authorized to be utilized by this paragraph that are not utilized for making payments to loss reserve accounts may be utilized by the Mississippi Development Authority to advance funds to financial institutions that participate in the Capital Access Program pursuant to paragraph (c) of this subsection.

(6) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Two Hundred Thousand Dollars (\$200,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of assisting Warren County, Mississippi, in the continuation and completion of the study for the proposed Kings Point Levee.

(7) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than One Hundred Thousand Dollars (\$100,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of developing a long-range plan for coordinating the resources of the state institutions of higher learning, the community and junior colleges, the Mississippi Development Authority and other state agencies in order to promote economic development in the state.

(8) Notwithstanding any other provision of this chapter to the contrary, the Mississippi Development Authority shall use not more than One Hundred Fifty Thousand Dollars (\$150,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of providing assistance to municipalities that have received Community Development Block Grant funds for repair, renovation and other improvements to buildings for use as community centers. Assistance provided to a municipality under this subsection shall be used by the municipality to match such Community Development Block Grant

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funds. The maximum amount of assistance that may be provided to a municipality under this subsection shall not exceed Seventy-five Thousand Dollars (\$75,000.00) in the aggregate.

(9) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Two Million Dollars (\$2,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of assisting in paying the costs of constructing a new spillway and related bridge and dam structures at Lake Mary in Wilkinson County, Mississippi, including construction of a temporary dam and diversion canal, removing existing structures, removing and stockpiling riprap, spillway construction, dam embankment construction, road access, constructing bridges and related structures, design and construction engineering and field testing.

(10) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than One Hundred Thousand Dollars (\$100,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of assisting the City of Holly Springs, Mississippi, in providing water and sewer and other infrastructure services in the Marshall, Benton and Tippah Counties area.

SECTION 34. Section 57-75-15, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2014, this section shall read as follows:]

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter from time to time declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements with the United States government, private companies and others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set

out in subsection (4) of this section, conditioned on the siting of the project in the state.

(2) Upon receipt of any such declaration from the authority, the State Bond Commission shall verify that the state has been selected as the site of the project and shall act as the issuing agent for the series of bonds directed to be issued in such declaration pursuant to authority granted in this section.

(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed an aggregate principal amount in the sum of Sixty-seven Million Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed* * * Sixty-three Million Dollars (\$63,000,000.00). The authority, with the express direction of the State Bond Commission, is authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section 57-75-5(f)(ii), as it may be amended from time to time.* * * No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation or will support critical studies or investigations authorized by Section 57-75-5(f)(ii).

(c) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(iii) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after December 31, 1996.

(d) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(iv) shall not exceed Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An additional amount of bonds in an amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) may be issued under the authority of this section for the purpose of defraying costs associated with the construction of surface water transmission lines for a project defined in Section 57-

75-5(f)(iv) or for any facility related to the project. No bonds shall be issued under this paragraph after June 30, 2005.

(e) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(v) and for facilities related to such projects shall not exceed Thirty-eight Million Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(f) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(vii) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2006.

(g) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(viii) shall not exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No bonds shall be issued under this paragraph after June 30, 2008.

(h) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(ix) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2007.

(i) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(x) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(j) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xii) shall not exceed Thirty-three Million Dollars (\$33,000,000.00). The amount of bonds that may be issued under this paragraph for projects defined in Section 57-75-5(f)(xii) may be reduced by the amount of any federal or local funds made available for such projects. No bonds shall be issued under this paragraph until local governments in or near the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Five Hundred Thousand Dollars (\$2,500,000.00) in the aggregate; however, this irrevocable commitment requirement may be waived by the authority upon a finding that due to the unforeseen circumstances created by Hurricane Katrina, the local governments are unable to comply with such commitment. No bonds shall be issued under this paragraph after June 30, 2008.

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(k) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiii) shall not exceed Three Million Dollars (\$3,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(l) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiv) shall not exceed Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be issued under this paragraph until local governments in the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Dollars (\$2,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(m) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xv) shall not exceed Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(n) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvi) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(o) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvii) shall not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No bonds shall be issued under this paragraph after June 30, 2010.

(p) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xviii) shall not exceed Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(q) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xix) shall not exceed Fifteen Million Dollars (\$15,000,000.00). No bonds shall be issued under this paragraph after June 30, 2012.

(r) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xx) shall not exceed Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be issued under this paragraph after June 30, 2015.

(s) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxi) shall not exceed Two Hundred Ninety-three Million Nine Hundred Thousand

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Dollars (\$293,900,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(t) Bonds issued under the authority of this section for Tier One suppliers shall not exceed Thirty Million Dollars (\$30,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(u) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxii) shall not exceed Forty-eight Million Four Hundred Thousand Dollars (\$48,400,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(v) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiii) shall not exceed Eighty-eight Million Two Hundred Fifty Thousand Dollars (\$88,250,000.00). No bonds shall be issued under this paragraph after July 1, 2009.

(w) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiv) shall not exceed Thirteen Million Dollars (\$13,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(x) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxv) shall not exceed Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be issued under this paragraph after July 1, 2017.

(y) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvi) shall not exceed Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00). No bonds shall be issued under this paragraph after July 1, 2021.

(z) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvii) shall not exceed Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued under this paragraph after July 1, 2016.

(4) (a) The proceeds from the sale of the bonds issued under this section may be applied for the following purposes:

(i) Defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement, relocation and with respect to state-owned property, operation and maintenance of the project and any facility related to the

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project located within the project area, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of environmental impacts and environmental impact studies;

(ii) Defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity;

(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(iv) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(iv)1;

(v) Paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f)(iv)1;

(vi) Defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(vii) Providing for the payment of interest on the bonds;

(viii) Providing debt service reserves;

(ix) Paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds;

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(x) For purposes authorized in paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this subsection (4);

(xi) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(v), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xii) Providing grant funds or loans to a public agency or an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(ii);

(xiii) Providing grant funds or loans to an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(xiv);

(xiv) Providing grants, loans and payments to or for the benefit of an enterprise owning or operating a project defined in Section 57-75-5(f)(xviii);

(xv) Purchasing equipment for a project defined in Section 57-75-5(f)(viii) subject to such terms and conditions as the authority considers necessary and appropriate;

(xvi) Providing grant funds to an enterprise developing or owning a project defined in Section 57-75-5(f)(xx);

(xvii) Providing grants for projects as authorized in Section 57-75-11(kk), (ll) and (mm), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xviii) Providing grants for projects as authorized in Section 57-75-11(pp) for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xix) Providing grants and loans for projects as authorized in Section 57-75-11(qq);

(xx) Providing grants for projects as authorized in Section 57-75-11(rr);

(xxi) Providing grants, loans and payments as authorized in Section 57-75-11(ss); and

(xxii) Providing grants and loans as authorized in Section 57-75-11(tt).

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Such bonds shall be issued from time to time and in such principal amounts as shall be designated by the authority, not to exceed in aggregate principal amounts the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

(b) (i) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (b)(i) shall not exceed Three Hundred Thousand Dollars (\$300,000.00) in the aggregate. Reimbursements under this paragraph (b)(i) shall satisfy any applicable federal tax law requirements.

(ii) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (b)(ii) shall not exceed One Hundred Thousand Dollars (\$100,000.00) in the aggregate. Reimbursements under this paragraph (b)(ii) shall satisfy any applicable federal tax law requirements.

(c) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred by

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paragraph (f) (i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xiii), (f) (xiv), (f) (xv), (f) (xvi), (f) (xvii), (f) (xviii) and (f) (xx) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (f) (ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project. Reimbursements under this paragraph (f) (ii) shall satisfy any applicable federal tax law requirements.

(g) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (g) (i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (g) (ii) shall not exceed

Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (g)(ii) shall satisfy any applicable federal tax law requirements.

(h) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (h)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (h)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (h)(ii) shall satisfy any applicable federal tax law requirements.

(i) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (i)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used

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to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (i)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (i)(ii) shall satisfy any applicable federal tax law requirements.

(j) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (j)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (j)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (j)(ii) shall satisfy any applicable federal tax law requirements.

(k) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred

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by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (k)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (k)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (k)(ii) shall satisfy any applicable federal tax law requirements.

(l) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (l)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit

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may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (l)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (l)(ii) shall satisfy any applicable federal tax law requirements.

(m) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (m)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (m)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (m)(ii) shall satisfy any applicable federal tax law requirements.

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration privileges; and be substantially in such form; all as shall be determined by resolution of the

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State Bond Commission except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from the date thereof and extending not more than twenty-five (25) years from the date thereof. The bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be imprinted on or affixed thereto, attested by the manual or facsimile signature of the Secretary of the State Bond Commission. Whenever any such bonds have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

(6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The State Bond Commission shall act as issuing agent for the bonds, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. The bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually.

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If the bonds are to be sold on sealed bids at public sale, notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of this section, may provide that the bonds, at the option of the state, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state. The Legislature shall appropriate annually an amount sufficient to pay the principal of and the interest on such bonds as they become due. All bonds shall contain recitals on their faces substantially covering the foregoing provisions of this section.

(9) The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants payable out of any funds appropriated by the Legislature under this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued under the provisions of this section. The State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(10) The bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the issuance of general obligation bonds under the provisions of this section shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

(11) In anticipation of the issuance of bonds hereunder, the State Bond Commission is authorized to negotiate and enter into any purchase, loan, credit or other agreement with any bank, trust company or other lending institution or to

issue and sell interim notes for the purpose of making any payments authorized under this section. All borrowings made under this provision shall be evidenced by notes of the state which shall be issued from time to time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes. No note shall mature more than three (3) years following the date of its issuance. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other costs and expenses of issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

(12) The bonds and interim notes authorized under the authority of this section may be validated in the First Judicial District of the Chancery Court of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The necessary papers for such validation proceedings shall be transmitted to the State Bond Attorney, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

(13) Any bonds or interim notes issued under the provisions of this chapter, a transaction relating to the sale or securing of such bonds or interim notes, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

(14) All bonds issued under this chapter shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited with and shall be

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received by all public officers and bodies of the state and all municipalities and other political subdivisions thereof for the purpose of securing the deposit of public funds.

(15) The Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for, and the Bond Commission is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

(16) There is hereby created a special fund in the State Treasury to be known as the Mississippi Major Economic Impact Authority Fund wherein shall be deposited the proceeds of the bonds issued under this chapter and all monies received by the authority to carry out the purposes of this chapter. Expenditures authorized herein shall be paid by the State Treasurer upon warrants drawn from the fund, and the Department of Finance and Administration shall issue warrants upon requisitions signed by the director of the authority.

(17) (a) There is hereby created the Mississippi Economic Impact Authority Sinking Fund from which the principal of and interest on such bonds shall be paid by appropriation. All monies paid into the sinking fund not appropriated to pay accruing bonds and interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the state.

(b) In the event that all or any part of the bonds and notes are purchased, they shall be cancelled and returned to the loan and transfer agent as cancelled and paid bonds and notes and thereafter all payments of interest thereon shall cease and the cancelled bonds, notes and coupons, together with any other cancelled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the cancelled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on

outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the sinking fund for the payment of the principal of and interest on the bonds and notes.

(d) Any monies repaid to the state from loans authorized in Section 57-75-11(hh) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund unless the State Bond Commission, at the request of the authority, shall determine that such loan repayments are needed to provide additional loans as authorized under Section 57-75-11(hh). For purposes of providing additional loans, there is hereby created the Mississippi Major Economic Impact Authority Revolving Loan Fund and loan repayments shall be deposited into the fund. The fund shall be maintained for such period as determined by the State Bond Commission for the sole purpose of making additional loans as authorized by Section 57-75-11(hh). Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned on amounts in such fund shall be deposited to the credit of the fund.

(e) Any monies repaid to the state from loans authorized in Section 57-75-11(ii) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(f) Any monies repaid to the state from loans authorized in Section 57-75-11(jj) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(18) (a) Upon receipt of a declaration by the authority that it has determined that the state is a potential site for a project, the State Bond Commission is authorized and directed to authorize the State Treasurer to borrow money from any special fund in the State Treasury not otherwise appropriated to be utilized by the authority for the purposes provided for in this subsection.

(b) The proceeds of the money borrowed under this subsection may be utilized by the authority for the purpose of defraying all or a portion of the costs incurred by the authority with respect to acquisition options and planning, design and environmental impact studies with respect to a project defined in Section 57-75-5(f)(xi). The authority may

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escalate its budget and expend the proceeds of the money borrowed under this subsection in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

(c) The authority shall request an appropriation or additional authority to issue general obligation bonds to repay the borrowed funds and establish a date for the repayment of the funds so borrowed.

(d) Borrowings made under the provisions of this subsection shall not exceed Five Hundred Thousand Dollars (\$500,000.00) at any one time.

[From and after July 1, 2014, this section shall read as follows:]

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter from time to time declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements with the United States government, private companies and others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.

(2) Upon receipt of any such declaration from the authority, the State Bond Commission shall verify that the state has been selected as the site of the project and shall act as the issuing agent for the series of bonds directed to be issued in such declaration pursuant to authority granted in this section.

(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed an aggregate principal amount in the sum of Sixty-seven Million Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

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(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed* * * Sixty-three Million Dollars (\$63,000,000.00). The authority, with the express direction of the State Bond Commission, is authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section 57-75-5(f)(ii), as it may be amended from time to time.* * * No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation or will support critical studies or investigations authorized by Section 57-75-5(f)(ii).

(c) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(iii) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after December 31, 1996.

(d) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(iv) shall not exceed Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An additional amount of bonds in an amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) may be issued under the authority of this section for the purpose of defraying costs associated with the construction of surface water transmission lines for a project defined in Section 57-75-5(f)(iv) or for any facility related to the project. No bonds shall be issued under this paragraph after June 30, 2005.

(e) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(v) and for facilities related to such projects shall not exceed Thirty-eight Million Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(f) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(vii) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2006.

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(g) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(viii) shall not exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No bonds shall be issued under this paragraph after June 30, 2008.

(h) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(ix) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2007.

(i) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(x) shall not exceed Five Million Dollars (\$5,000,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(j) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xii) shall not exceed Thirty-three Million Dollars (\$33,000,000.00). The amount of bonds that may be issued under this paragraph for projects defined in Section 57-75-5(f)(xii) may be reduced by the amount of any federal or local funds made available for such projects. No bonds shall be issued under this paragraph until local governments in or near the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Five Hundred Thousand Dollars (\$2,500,000.00) in the aggregate; however, this irrevocable commitment requirement may be waived by the authority upon a finding that due to the unforeseen circumstances created by Hurricane Katrina, the local governments are unable to comply with such commitment. No bonds shall be issued under this paragraph after June 30, 2008.

(k) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiii) shall not exceed Three Million Dollars (\$3,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(l) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiv) shall not exceed Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be issued under this paragraph until local governments in the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Dollars (\$2,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

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(m) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xv) shall not exceed Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(n) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvi) shall not exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(o) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvii) shall not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No bonds shall be issued under this paragraph after June 30, 2010.

(p) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xviii) shall not exceed Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be issued under this paragraph after June 30, 2016.

(q) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xix) shall not exceed Fifteen Million Dollars (\$15,000,000.00). No bonds shall be issued under this paragraph after June 30, 2012.

(r) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xx) shall not exceed Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be issued under this paragraph after June 30, 2015.

(s) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxi) shall not exceed Two Hundred Ninety-three Million Nine Hundred Thousand Dollars (\$293,900,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(t) Bonds issued under the authority of this section for Tier One suppliers shall not exceed Thirty Million Dollars (\$30,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(u) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxii) shall not exceed Forty-eight Million Four Hundred Thousand Dollars (\$48,400,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

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(v) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiii) shall not exceed Eighty-eight Million Two Hundred Fifty Thousand Dollars (\$88,250,000.00). No bonds shall be issued under this paragraph after July 1, 2009.

(w) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiv) shall not exceed Thirteen Million Dollars (\$13,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(x) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxv) shall not exceed Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be issued under this paragraph after July 1, 2017.

(y) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvi) shall not exceed Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00). No bonds shall be issued under this paragraph after July 1, 2021.

(z) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvii) shall not exceed Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued under this paragraph after July 1, 2016.

(4) (a) The proceeds from the sale of the bonds issued under this section may be applied for the following purposes:

(i) Defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement, relocation and with respect to state-owned property, operation and maintenance of the project and any facility related to the project located within the project area, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of environmental impacts and environmental impact studies;

(ii) Defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity;

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(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(iv) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(iv)1;

(v) Paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f)(iv)1;

(vi) Defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(vii) Providing for the payment of interest on the bonds;

(viii) Providing debt service reserves;

(ix) Paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds;

(x) For purposes authorized in paragraphs (b), (c), (d), (e) and (f) of this subsection (4);

(xi) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(v), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xii) Providing grant funds or loans to a public agency or an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(ii);

(xiii) Providing grant funds or loans to an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(xiv);

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(xiv) Providing grants, loans and payments to or for the benefit of an enterprise owning or operating a project defined in Section 57-75-5(f) (xviii);

(xv) Purchasing equipment for a project defined in Section 57-75-5(f) (viii) subject to such terms and conditions as the authority considers necessary and appropriate;

(xvi) Providing grant funds to an enterprise developing or owning a project defined in Section 57-75-5(f) (xx);

(xvii) Providing grants for projects as authorized in Section 57-75-11(kk), (ll) and (mm), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xviii) Providing grants for projects as authorized in Section 57-75-11(pp) for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xix) Providing grants and loans for projects as authorized in Section 57-75-11(qq);

(xx) Providing grants for projects as authorized in Section 57-75-11(rr);

(xxi) Providing grants, loans and payments as authorized in Section 57-75-11(ss); and

(xxii) Providing loans as authorized in Section 57-75-11(tt).

Such bonds shall be issued from time to time and in such principal amounts as shall be designated by the authority, not to exceed in aggregate principal amounts the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

(b) (i) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f) (iv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such

bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (b)(i) shall not exceed Three Hundred Thousand Dollars (\$300,000.00) in the aggregate. Reimbursements under this paragraph (b)(i) shall satisfy any applicable federal tax law requirements.

(ii) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (b)(ii) shall not exceed One Hundred Thousand Dollars (\$100,000.00) in the aggregate. Reimbursements under this paragraph (b)(ii) shall satisfy any applicable federal tax law requirements.

(c) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance

with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(d) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(x) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(x) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(e) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (e)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (e)(ii) shall satisfy any applicable federal tax law requirements.

(f) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xiii), (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (f)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xiii), (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project. Reimbursements under this paragraph (f)(ii) shall satisfy any applicable federal tax law requirements.

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(g) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (g) (i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxi) or projects for a Tier One supplier may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (g) (ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (g) (ii) shall satisfy any applicable federal tax law requirements.

(h) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (h) (i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related

to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (h)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (h)(ii) shall satisfy any applicable federal tax law requirements.

(i) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (i)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (i)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (i)(ii) shall satisfy any applicable federal tax law requirements.

(j) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided

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from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (j)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxiv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (j)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (j)(ii) shall satisfy any applicable federal tax law requirements.

(k) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (k)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and

Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (k)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (k)(ii) shall satisfy any applicable federal tax law requirements.

(l) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (l)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvi) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (l)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (l)(ii) shall satisfy any applicable federal tax law requirements.

(m) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (m)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

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(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f) (xxvii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (m)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (m)(ii) shall satisfy any applicable federal tax law requirements.

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration privileges; and be substantially in such form; all as shall be determined by resolution of the State Bond Commission except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from the date thereof and extending not more than twenty-five (25) years from the date thereof. The bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be imprinted on or affixed thereto, attested by the manual or facsimile signature of the Secretary of the State Bond Commission. Whenever any such bonds have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

(6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The State Bond Commission shall act as issuing agent for the bonds, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds on sealed bids at public sale, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may sell such bonds on sealed bids at public sale for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale shall be made at a price less than par plus accrued interest to date of delivery of the bonds to the purchaser. The bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually; provided that the first interest payment may be for any period of not more than one (1) year.

Notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of this section, may provide that the bonds, at the option of the state, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state. The Legislature shall appropriate annually an amount sufficient to pay the principal of and the interest on such bonds as they become due. All bonds shall contain recitals on their faces substantially covering the foregoing provisions of this section.

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(9) The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants payable out of any funds appropriated by the Legislature under this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued under the provisions of this section. The State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(10) The bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the issuance of general obligation bonds under the provisions of this section shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

(11) In anticipation of the issuance of bonds hereunder, the State Bond Commission is authorized to negotiate and enter into any purchase, loan, credit or other agreement with any bank, trust company or other lending institution or to issue and sell interim notes for the purpose of making any payments authorized under this section. All borrowings made under this provision shall be evidenced by notes of the state which shall be issued from time to time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes. No note shall mature more than three (3) years following the date of its issuance. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other costs and expenses

of issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

(12) The bonds and interim notes authorized under the authority of this section may be validated in the First Judicial District of the Chancery Court of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The necessary papers for such validation proceedings shall be transmitted to the State Bond Attorney, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

(13) Any bonds or interim notes issued under the provisions of this chapter, a transaction relating to the sale or securing of such bonds or interim notes, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

(14) All bonds issued under this chapter shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of the state and all municipalities and other political subdivisions thereof for the purpose of securing the deposit of public funds.

(15) The Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for, and the Bond Commission is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

(16) There is hereby created a special fund in the State Treasury to be known as the Mississippi Major Economic Impact Authority Fund wherein shall be deposited the proceeds of the bonds issued under this chapter and all monies received by the authority to carry out the purposes of this chapter. Expenditures authorized herein shall be paid by the State Treasurer upon warrants drawn from the fund, and the Department

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of Finance and Administration shall issue warrants upon requisitions signed by the director of the authority.

(17) (a) There is hereby created the Mississippi Economic Impact Authority Sinking Fund from which the principal of and interest on such bonds shall be paid by appropriation. All monies paid into the sinking fund not appropriated to pay accruing bonds and interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the state.

(b) In the event that all or any part of the bonds and notes are purchased, they shall be cancelled and returned to the loan and transfer agent as cancelled and paid bonds and notes and thereafter all payments of interest thereon shall cease and the cancelled bonds, notes and coupons, together with any other cancelled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the cancelled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the sinking fund for the payment of the principal of and interest on the bonds and notes.

(d) Any monies repaid to the state from loans authorized in Section 57-75-11(hh) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund unless the State Bond Commission, at the request of the authority, shall determine that such loan repayments are needed to provide additional loans as authorized under Section 57-75-11(hh). For purposes of providing additional loans, there is hereby created the Mississippi Major Economic Impact Authority Revolving Loan Fund and loan repayments shall be deposited into the fund. The fund shall be maintained for such period as determined by the State Bond Commission for the sole purpose

of making additional loans as authorized by Section 57-75-11(hh). Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned on amounts in such fund shall be deposited to the credit of the fund.

(e) Any monies repaid to the state from loans authorized in Section 57-75-11(ii) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(f) Any monies repaid to the state from loans authorized in Section 57-75-11(jj) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(18) (a) Upon receipt of a declaration by the authority that it has determined that the state is a potential site for a project, the State Bond Commission is authorized and directed to authorize the State Treasurer to borrow money from any special fund in the State Treasury not otherwise appropriated to be utilized by the authority for the purposes provided for in this subsection.

(b) The proceeds of the money borrowed under this subsection may be utilized by the authority for the purpose of defraying all or a portion of the costs incurred by the authority with respect to acquisition options and planning, design and environmental impact studies with respect to a project defined in Section 57-75-5(f)(xi). The authority may escalate its budget and expend the proceeds of the money borrowed under this subsection in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

(c) The authority shall request an appropriation or additional authority to issue general obligation bonds to repay the borrowed funds and establish a date for the repayment of the funds so borrowed.

(d) Borrowings made under the provisions of this subsection shall not exceed Five Hundred Thousand Dollars (\$500,000.00) at any one time.

SECTION 35. Sections 6 through 20, Chapter 521, Laws of 1995, as amended by Section 17, Chapter 503, Laws of 2003, as amended by Section 2, Chapter 477, Laws of 2004, as amended by Section 2, Chapter 456, Laws of 2006, as amended by Section 3, Chapter 492, Laws of 2008, as amended by Section 47, Chapter

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533, Laws of 2010, as amended by Section 13, Chapter 480, Laws of 2011, are amended as follows:

Section 6. The board created in Section 41-3-16, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred by the board in constructing new water systems or repairing existing water systems described in Section 41-3-16. Upon the adoption of a resolution by the board* * * declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the board shall deliver a certified copy of its resolution or resolutions to the State Bond Commission. Upon receipt of such resolution, the State Bond Commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for the sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the tax exempt or taxable bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The amount of bonds issued under Sections 6 through 20 of this act shall not exceed* * * Twenty-nine Million Eight Hundred Forty-three Thousand Dollars (\$29,843,000.00), the proceeds of which shall be deposited in the revolving fund and Five Million Dollars (\$5,000,000.00), the proceeds of which shall be deposited in the emergency fund.

Section 7. The principal of and interest on the bonds authorized under Section 6 of this act shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the State Bond Commission.

Section 8. The bonds authorized by Section 6 of this act shall be signed by the Chairman of the State Bond Commission,

or by his facsimile signature, and the official seal of the State Bond Commission shall be affixed thereto, attested by the Secretary of the State Bond Commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

Section 9. All bonds and interest coupons issued under the provisions of Sections 6 through 20 of this act have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by Sections 6 through 20 of this act, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

Section 10. The State Bond Commission shall act as the issuing agent for the bonds authorized under Sections 6 through 20 of this act, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under Sections 6 through 20 of this act from the proceeds derived from the sale of the bonds. The State Bond Commission shall sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

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If the bonds are sold on sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, to be selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of Sections 6 through 20 of this act, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

Section 11. The bonds issued under the provisions of Sections 6 through 20 of this act are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

Section 12. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under Sections 6 through 20 of this act; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest on the bonds, on their due dates.

Section 13. Upon the issuance and sale of bonds under the provisions of Sections 6 through 20 of this act, the State Bond Commission shall transfer the proceeds of any sale or sales of bonds to the revolving fund and the emergency fund in the amounts specified in Section 6 of this act. After such transfer, all investment earnings or interest earned on the proceeds of such bonds shall be deposited to the credit of

the revolving fund and the emergency fund, and shall be used only for the purposes established in Section 41-3-16. The proceeds of such bonds shall be disbursed solely upon the order of the board created in Section 1 of this act under such restrictions, -if any, as may be contained in the resolution providing for the issuance of the bonds.

Section 14. The bonds authorized under Sections 6 through 20 of this act may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by Sections 6 through 20 of this act. Any resolution providing for the issuance of bonds under the provisions of Sections 6 through 20 of this act shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

Section 15. The bonds authorized under the authority of Sections 6 through 20 of this act may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

Section 16. Any holder of bonds issued under the provisions of Sections 6 through 20 of this act or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce all rights granted under Sections 6 through 20 of this act, or under such resolution, and may enforce and compel performance of all duties required by Sections 6 through 20 of this act to be performed, in order to provide for the payment of bonds and interest thereon.

Section 17. All bonds issued under the provisions of Sections 6 through 20 of this act shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and

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all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

Section 18. Bonds issued under the provisions of Sections 6 through 20 of this act and income therefrom shall be exempt from all taxation in the State of Mississippi.

Section 19. The proceeds of the bonds issued under the provisions of Sections 6 through 20 of this act shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

Section 20. Sections 6 through 20 of this act shall be deemed to be full and complete authority for the exercise of the powers granted, but Sections 6 through 20 of this act shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 36. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bonds means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) The Commission on Environmental Quality, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the Water Pollution Control Revolving Fund established in Section 49-17-85. Upon the adoption of a resolution by the Commission on Environmental Quality declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the Commission on Environmental Quality shall deliver a certified copy of its resolution or resolutions to the commission; however, the Commission on Environmental Quality shall declare the necessity for the issuance of bonds only in the amount necessary to match projected federal funds available through the following federal fiscal year.

Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Million Dollars (\$1,000,000.00).

(b) The proceeds of bonds issued pursuant to this subsection shall be deposited into the Water Pollution Control Revolving Fund created pursuant to Section 49-17-85.

(3) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(4) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds

may be issued as provided in the Registered Bond Act of the State of Mississippi.

(5) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(6) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold, on sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(7) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. Interest and investment earnings on money in the Water Pollution Control Revolving Fund shall be utilized to pay the principal and

interest on such bonds as they become due. If the interest and investment earnings of the fund and any funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

(8) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the Water Pollution Control Revolving Fund created in Section 49-17-85. After the transfer of the proceeds of any such sale or sales to the Water Pollution Control Revolving Fund, any investment earnings or interest earned on the proceeds of such bonds shall be deposited to the credit of the Water Pollution Control Revolving Fund and shall be used only for the purposes provided in Section 49-17-85. The proceeds of such bonds shall be disbursed solely upon the order of the Commission on Environmental Quality under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(9) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(10) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(11) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action,

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mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(12) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(13) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(14) The proceeds of the bonds issued under this section shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

(15) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(16) This section shall be deemed to be full and complete authority for the exercise of the powers therein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 37. Section 49-17-85, Mississippi Code of 1972, is amended as follows:

49-17-85. (1) There is established in the State Treasury a fund to be known as the "Water Pollution Control Revolving Fund" which shall be administered by the commission acting through the department. The revolving fund may receive bond

proceeds and funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source, public or private. The revolving fund shall be maintained in perpetuity for the purposes established in this section.

(2) There is established in the State Treasury a fund to be known as the "Water Pollution Control Hardship Grants Fund," which shall be administered by the commission acting through the department. The grants fund shall be maintained in perpetuity for the purposes established in this section. Any interest earned on monies in the grants fund shall be credited to that fund.

(3) The commission shall promulgate regulations for the administration of the revolving fund program, the hardship grants program and for related programs authorized under this section. The regulations shall be in accordance with the federal Water Quality Act of 1987, as amended, and regulations and guidance issued under that act. The commission may enter into capitalization grant agreements with the United States Environmental Protection Agency and may accept capitalization grant awards made under Title VI of the Water Quality Act of 1987, as amended.

(4) The commission shall establish a loan program which shall commence after October 1, 1988, to assist political subdivisions in the construction of water pollution control projects. Loans from the revolving fund may be made to political subdivisions as set forth in a loan agreement in amounts not exceeding one hundred percent (100%) of eligible project costs as established by the commission. Notwithstanding loan amount limitations set forth in Section 49-17-61, the commission may require local participation or funding from other sources, or otherwise limit the percentage of costs covered by loans from the revolving fund. The commission may establish a maximum amount for any loan in order to provide for broad and equitable participation in the program.

(5) The commission shall establish a hardship grants program for rural communities, which shall commence after July 1, 1997, to assist severely economically disadvantaged small rural political subdivisions in the construction of water pollution control projects. The commission may receive and administer state or federal funds, or both, appropriated for the operation of this grants program and may take all actions necessary to implement the program in accordance with

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the federal hardship grants program. The hardship grants program shall operate in conjunction with the revolving loan program administered under this section.

(6) The commission shall act for the state in all matters and with respect to all determinations under Title VI of the federal Water Quality Act of 1987, as amended, and the federal Omnibus Appropriations and Recision Act of 1996.

(7) Except as otherwise provided in this section, the revolving fund may be used only:

(a) To make loans on the condition that:

(i) The loans are made at or below market interest rates, at terms not to exceed the maximum time allowed by federal law after project completion; the interest rate and term may vary from time to time and from loan to loan at the discretion of the commission;

(ii) Periodic principal and interest payments will commence when required by the commission but not later than one (1) year after project completion and all loans will be fully amortized when required by the commission but not later than the maximum time allowed by federal law after project completion;

(iii) The recipient of a loan will establish a dedicated source of revenue for repayment of loans;

(b) To buy or refinance the debt obligation of political subdivisions at or below market rates, where the debt obligations were incurred after March 7, 1985, and where the projects were constructed in compliance with applicable federal and state regulations;

(c) To guarantee, or purchase insurance for, obligations of political subdivisions where the action would improve credit market access or reduce interest rates;

(d) To provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies;

(e) To earn interest on fund accounts;

(f) To establish nonpoint source pollution control management programs;

(g) To establish estuary conservation and management programs;

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(h) For the reasonable costs of administering the revolving fund and conducting activities under* * * this act, subject to the limitations established in Section 603(d) (7) of Title VI of the federal Clean Water Act, as amended, and subject to annual appropriation by the Legislature;

(i) In connection with the issuance, sale and purchase of bonds under Section 31-25-1 et seq., related to the funding of projects, to provide security or a pledge of revenues for the repayment of the bonds; and

(j) To pay the principal and interest on bonds issued pursuant to Section 11 of Chapter 580, Laws of 2007, Section 1 of Chapter 492, Laws of 2008, Section 47 of Chapter 557, Laws of 2009, Section 45 of Chapter 533, Laws of 2010,* * * Section 3 of Chapter 480, Laws of 2011, and Section 36 of this act, as they become due; however, only interest and investment earnings on money in the fund may be utilized for this purpose.

(8) The hardship grants program shall be used only to provide hardship grants consistent with the federal hardship grants program for rural communities, regulations and guidance issued by the United States Environmental Protection Agency, subsections (3) and (5) of this section and regulations promulgated and guidance issued by the commission under this section.

(9) The commission shall establish by regulation a system of priorities and a priority list of projects eligible for funding with loans from the revolving fund.

(10) The commission may provide a loan from the revolving fund only with respect to a project if that project is on the priority list established by the commission.

(11) The revolving fund shall be credited with all payments of principal and interest derived from the fund uses described in subsection (7) of this section. However, notwithstanding any other provision of law to the contrary, all or any portion of payments of principal and interest derived from the fund uses described in subsection (7) of this section may be designated or pledged for repayment of a loan as provided for in Section 31-25-28 in connection with a loan from the Mississippi Development Bank.

(12) The commission may establish and collect fees to defray the reasonable costs of administering the revolving fund if

it determines that the administrative costs will exceed the limitations established in Section 603(d)(7) of Title VI of the federal Clean Water Act, as amended. The administration fees may be included in loan amounts to political subdivisions for the purpose of facilitating payment to the commission. The fees may not exceed five percent (5%) of the loan amount.

(13) The commission may, on a case-by-case basis and to the extent allowed by federal law, renegotiate the payment of principal and interest on loans made under this section to the six (6) most southern counties of the state covered by the Presidential Declaration of Major Disaster for the State of Mississippi (FEMA-1604-DR) dated August 29, 2005, and to political subdivisions located in such counties; however, the interest on the loans shall not be forgiven for a period of more than twenty-four (24) months and the maturity of the loans shall not be extended for a period of more than forty-eight (48) months.

SECTION 38. Section 1, Chapter 480, Laws of 2011, as amended by House Bill No. 1049, 2013 Regular Session, is amended as follows:

Section 1. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2011 IHL and State Agencies Capital Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

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(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, with the approval of the Board of Trustees of State Institutions of Higher Learning on those projects related to the universities under its management and control to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities as hereinafter described:

NAME PROJECT	AMOUNT ALLOCATED
INSTITUTIONS OF HIGHER	
LEARNING.....	\$ 98,900,000.00
Alcorn State University.....	\$ 9,200,000.00
Repair, renovation, replacement and improvement of campus infrastructure and facilities and upgrade, expansion and improvement of campus security infrastructure.....	\$ 8,700,000.00
Repair and renovation of the athletic pool at the Davey Whitney Health Education and Physical Education Complex and associated facility repairs.....	\$ 500,000.00
Delta State University.....	\$ 10,850,000.00
Phase III of repair, renovation, expansion, furnishing and equipping of Caylor-White/ Walters Hall and repair and renovation of campus buildings, facilities, infrastructure and continuation/completion of previously authorized projects including a fire station.....	\$ 10,500,000.00
Construction, furnishing and equipping of restroom and	

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concession facilities on the
visitor's side of the
football stadium..... \$ 350,000.00
Jackson State University..... \$ 11,300,000.00
Repair and renovation of
Alexander Center..... \$ 6,500,000.00
Repair and renovation of campus
buildings, facilities,
infrastructure and
continuation/completion
of previously authorized
projects..... \$ 3,000,000.00
Preplanning of the repair,
renovation and expansion of
Joseph H.... Jackson College of
Education and Human
Development..... \$ 350,000.00
Completion of repair and
renovation,
furnishing and equipping of the
101 Capitol Centre property
located at 101 West Capitol
Street in the City of Jackson,
Mississippi..... \$ 1,250,000.00
Repair and renovation of the
president's home..... \$ 200,000.00
Mississippi University for
Women..... \$ 5,250,000.00
Phase I of the repair,
renovation, expansion,
furnishing and equipping
of Fant Library..... \$ 5,000,000.00
Preplanning of the repair
and renovation of
Shattuck Hall..... \$ 250,000.00
Mississippi State University..... \$ 15,200,000.00
Repair, renovation, furnishing

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and equipping of Lee Hall,
construction,
furnishing and equipping of a
new classroom building
and repair, renovation and
improvement of campus
buildings, facilities,
infrastructure and
continuation/completion
of previously authorized
projects..... \$ 15,200,000.00
Mississippi State University/
Division of
Agriculture, Forestry and
Veterinary Medicine..... \$ 1,000,000.00
Preplanning of the repair,
renovation and expansion of
the Herzer Facility and
Ballew Hall..... \$ 600,000.00
Preplanning of new abattoir
facility, Phase I of the
Animal Life Sciences
Initiative..... \$ 200,000.00
Repair and renovation of campus
buildings, facilities,
infrastructure and
continuation/completion
of previously authorized
projects..... \$ 200,000.00
Mississippi Valley State
University..... \$ 9,200,000.00
Repair, renovation, expansion,
furnishing and equipping
of the R.W. Harrison
Complex..... \$ 5,000,000.00
Matching funds for the tie-in
of campus to City of

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Greenwood sewer system..... \$ 4,000,000.00
Repair and renovation of campus
buildings, facilities,
infrastructure and
continuation/completion
of previously authorized
projects..... \$ 200,000.00
University of Mississippi..... \$ 15,200,000.00
Repair, renovation, expansion,
furnishing and equipping
of buildings, facilities and
infrastructure..... \$ 15,200,000.00
University of Mississippi
Medical Center..... \$ 4,500,000.00
Planning, design and Phase I
of construction, furnishing
and equipping of a new
School of Medicine
classroom building..... \$ 4,500,000.00
University of Southern
Mississippi..... \$ 15,200,000.00
Phase II of construction,
furnishing and equipping of
a building to house the
College of Business and
repair and renovation
of campus buildings,
facilities, infrastructure
and continuation/completion
of previously authorized
projects..... \$ 15,200,000.00
University of Southern
Mississippi/
Gulf Coast Campuses..... \$ 1,500,000.00
Repair and renovation of campus
buildings and facilities, and
repair, renovation, replacement

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and improvement of campus infrastructure.....	\$ 1,500,000.00
IHL Education and Research Center.....	\$ 500,000.00
Repair and renovation of campus buildings and facilities, and repair, renovation, replacement and improvement of campus infrastructure.....	\$ 500,000.00
STATE AGENCIES.....	\$***73,775,000.00
Department of Finance and Administration.....	\$ 21,500,000.00
Costs associated with the implementation of MAGIC (Mississippi's Accountability System for Government Information and Collaboration, the state's Enterprise Resource Planning System).....	\$ 19,000,000.00
Repair and renovation of the Robert G..... Clark Building property located at 301 Lamar Street in the City of Jackson, Mississippi.....	\$ 2,500,000.00
Department of Wildlife, Fisheries and Parks.....	\$ 6,500,000.00
Renovation and improvement of dams and spillways at state-owned lakes.....	\$ 2,500,000.00
Phase I of comprehensive repair and renovation and construction of improvements, furnishing and equipping, upgrades and additions to buildings, facilities and	

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infrastructure at state parks
as determined necessary
by the Department of Wildlife,
Fisheries and Parks..... \$ 3,000,000.00
Phase I of repair and renovation
of
facilities, purchase of
equipment,
renovation of buildings,
facilities,
and improvement of access for
the disabled as determined
necessary by the Department of
Wildlife, Fisheries and Parks
for visitor services and the
Center
for Conservation and Biodiversity
at the Mississippi Museum of
Natural Science..... \$ 1,000,000.00
Department of Mental Health..... \$ 5,000,000.00
Repair and renovation to
buildings,
facilities and infrastructure
at
Mental Health facilities as
determined necessary by the
Department of Mental
Health..... \$ 5,000,000.00
Department of Public Safety..... \$***16,500,000.00
Phase III of construction,
furnishing
and equipping of a central office
of the Mississippi Crime
Laboratory and the State
Medical Examiner in Rankin
County, Mississippi..... \$ 10,000,000.00
Phase I of preplanning,
construction,

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furnishing and equipping of a
headquarters building adjacent
to the central office of the
Mississippi Crime Laboratory
and the State Medical Examiner
in Rankin County,
Mississippi..... \$***1,500,000.00
Construction, furnishing and
equipping
of a Highway Safety Patrol
substation in the Greenwood
District..... \$ 5,000,000.00
Department of Information
Technology Services..... \$ 4,500,000.00
Funding for information
technology
projects to include increasing
cooling capacity and redundancy
of critical systems at the State
Data Center, addition and
implementation of equipment to
support mission critical
systems for state agencies in
the State Data Center, and
projects to implement additional
IT consolidation and
efficiencies..... \$ 4,500,000.00
Department of Revenue..... \$***18,975,000.00
Additions, upgrades and
improvements to department
information technology
systems..... \$ 18,675,000.00
Repair, renovation, maintenance,
upgrading and modernization
of Alcoholic Beverage Control
Division warehouse and related
equipment and facilities in

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Gluckstadt, Mississippi..... \$ 300,000.00

* * *

Mississippi Authority for..... \$ 400,000.00
Educational Television

Repair, renovation, replacement
and improvement of
systems, equipment and
facilities..... \$ 400,000.00

State Fire Academy..... \$ 400,000.00

Completion of construction,
furnishing and equipping of
new classrooms, the fire
research building and related
facilities at the State Fire
Academy in Rankin County,
Mississippi..... \$ 400,000.00

* * *

TOTAL..... \$*172,675,000.00**

(b) (i) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this subsection. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under this section are deposited into the special fund, then the agency or institution of higher learning for which any unused monies are allocated under paragraph (a) of this subsection shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(ii) Monies in the special fund may be used to reimburse reasonable actual and necessary costs incurred by the Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, in administering or providing assistance directly related to

a project described in paragraph (a) of this subsection. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each project by the Department of Finance and Administration, Bureau of Building, Grounds and Real Property Management. Reimbursement of reasonable actual and necessary costs for a project shall not exceed two percent (2%) of the proceeds of bonds issued for such project. Monies authorized for a particular project may not be used to reimburse administrative costs for unrelated projects.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(d) Any amounts allocated to an agency that are in excess of that needed to complete the projects at such agency that are described in paragraph (a) of this subsection may be used for general repairs and renovations at the agency.

(3) (a) (i) A special fund, to be designated as the "2011 Bureau of Building State-Owned Buildings Discretionary Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of site and infrastructure improvements, general repairs and renovations, weatherization, demolition and roofing, environmental, mechanical, electrical and structural repairs required for state-owned facilities and community and junior colleges, repair and renovation of state-owned facilities and community and junior colleges necessary for

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compliance with the Americans with Disabilities Act, purchase and installation of necessary furniture and equipment, continuation and completion of previously authorized projects and payment of lease-purchase agreements; however, of the monies authorized to be deposited into the fund, not less than Two Million Dollars (\$2,000,000.00) shall be allocated for such purposes at state parks.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(4) (a) (i) A special fund, to be designated as the "2011 Bureau of Building IHL Discretionary Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of site and infrastructure improvements, general repairs and renovations, weatherization, demolition and

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roofing, environmental, mechanical, electrical and structural repairs required for facilities at state institutions of higher learning, repair and renovation of facilities and state institutions of higher learning necessary for compliance with the Americans with Disabilities Act, purchase and installation of necessary furniture and equipment, continuation and completion of previously authorized projects and payment of lease-purchase agreements.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(5) (a) (i) A special fund, to be designated as the "2011 Bureau of Building State-Owned Buildings Energy Discretionary Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of improvements designed to conserve or assist

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in the conservation of energy at state-owned facilities and community and junior colleges.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(6) (a) (i) A special fund, to be designated as the "2011 Community and Junior Colleges Capital Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under this act.

(ii) The money deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of acquisition of real property, construction of new facilities, equipping and furnishing facilities, including furniture and technology equipment and infrastructure, and addition to or renovation of existing facilities for community and junior college campuses

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as recommended by the* * * Mississippi Community College Board. The amount to be expended at each community and junior college is as follows:

Coahoma.....	\$ 1,161,038.00
Copiah-Lincoln.....	\$ 1,409,928.00
East Central.....	\$ 1,256,205.00
East Mississippi.....	\$ 1,592,828.00
Hinds.....	\$ 2,675,950.00
Holmes.....	\$ 1,774,035.00
Itawamba.....	\$ 2,131,224.00
Jones.....	\$ 1,710,238.00
Meridian.....	\$ 1,413,330.00
Mississippi Delta.....	\$ 1,371,066.00
Mississippi Gulf Coast.....	\$ 2,332,951.00
Northeast Mississippi.....	\$ 1,404,571.00
Northwest Mississippi.....	\$ 2,059,183.00
Pearl River.....	\$ 1,562,578.00
Southwest Mississippi.....	\$ 1,144,875.00

GRAND TOTAL..... \$25,000,000.00

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this subsection. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under this section are deposited into the special fund, then the community college or junior college for which any such monies are allocated under paragraph (a) of this subsection shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this section shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive

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and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(7) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsections (2), (3), (4), (5) and (6) of this section. Upon the adoption of a resolution by the Department of Finance and Administration* * * declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed* * * Two Hundred Twenty-one Million One Hundred Seventy-five Thousand Dollars (\$221,175,000.00). No bonds shall be issued under this section after July 1, 2015.

(b) The proceeds of the bonds issued pursuant to this act shall be deposited into the following special funds in not more than the following amounts:

(i) The 2011 IHL and State Agencies Capital Improvements Fund created pursuant to subsection (2) of this section.....
\$* * * 172,675,000.00.

(ii) The 2011 Bureau of Building State-Owned Buildings Discretionary Fund created pursuant to subsection (3) of this section \$ 15,500,000.00.

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(iii) The 2011 Bureau of Building IHL Discretionary Fund created pursuant to subsection (4) of this section \$ 4,000,000.00.

(iv) The 2011 Bureau of Building State-Owned Buildings Energy Discretionary Fund created pursuant to subsection (5) of this section..... \$ 4,000,000.00.

(v) The 2011 Community and Junior Colleges Capital Improvements Fund created pursuant to subsection (6) of this section \$ 25,000,000.00.

(c) Any investment earnings on amounts deposited into the special funds created in subsections (2), (3), (4), (5) and (6) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(8) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(9) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or

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had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(10) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(11) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(12) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of

and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(13) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special funds created in subsections (2), (3), (4), (5) and (6) of this section in the amounts provided for in subsection (7)(b) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(14) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(15) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(16) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(17) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries,

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and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(18) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(19) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(20) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(21) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 39. Section 3, Chapter 520, Laws of 2010, is amended as follows:

Section 3. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

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(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "State Highway-Bridge Rehabilitation Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed to pay the costs incurred by the Mississippi Transportation Commission and the Mississippi Department of Transportation for the replacement or rehabilitation of the bridges on state maintained highways with a National Bridge Inspection Standards sufficiency rating of fifty (50) or less.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this subsection. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under this section are deposited into the special fund, then the Mississippi Transportation Commission shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Mississippi Transportation Commission is expressly authorized and empowered to receive and expend any federal, local or other source funds in connection with the expenditure of funds provided for under this subsection.

(d) The expenditure of monies deposited into the special fund shall be under the direction of the Mississippi Transportation Commission, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, which warrants shall be issued

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upon requisitions signed by the Executive Director of the Mississippi Department of Transportation.

(3) (a) (i) A special fund, to be designated as the "Vision 21 High Priority Projects Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the special fund shall be disbursed to pay the costs incurred by the Mississippi Transportation Commission and the Mississippi Department of Transportation for the construction and reconstruction or improvement of those highway segments described in Section 65-3-97(4)(a). Upon the completion of the construction and reconstruction or improvement of those highway segments, the monies deposited into the special fund shall be disbursed to pay the costs incurred by the Mississippi Transportation Commission and the Mississippi Department of Transportation for the construction and reconstruction or improvement of those highway segments described in Section 65-3-97(5)(f)(xxvi), (f)(xxvii), (f)(xxxiv), (f)(xxxv), (f)(xl), (f)(xli), (h)(xiv) and (h)(xvi).

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this subsection. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under this section are deposited into the special fund, then the Mississippi Transportation Commission shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Mississippi Transportation Commission is expressly authorized and empowered to receive and expend any

federal, local or other source funds in connection with the expenditure of funds provided for under this subsection.

(d) The expenditure of monies deposited into the special fund shall be under the direction of the Mississippi Transportation Commission, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, which warrants shall be issued upon requisitions signed by the Executive Director of the Mississippi Department of Transportation.

(4) (a) (i) A special fund, to be designated as the "Camp Shelby Access Improvement Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed to pay the costs incurred by the Mississippi Transportation Commission and the Mississippi Department of Transportation*
* *

for improvements to U.S. Highway 49 from one (1) mile south of the South Gate of Camp Shelby to U.S. Highway 98.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this subsection. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under this section are deposited into the special fund, then the Mississippi Transportation Commission shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Mississippi Transportation Commission is expressly authorized and empowered to receive and expend any

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federal, local or other source funds in connection with the expenditure of funds provided for under this subsection.

(d) The expenditure of monies deposited into the special fund shall be under the direction of the Mississippi Transportation Commission, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, which warrants shall be issued upon requisitions signed by the Executive Director of the Mississippi Department of Transportation.

(5) (a) For the purposes of providing for the payment of a portion of the principal of and interest on bonds issued under this section, there is created in the State Treasury a special fund to be known as the "Mississippi Highway Construction, Bridge Rehabilitation and State Aid Road Bond Sinking Fund." The bond sinking fund shall consist of monies transferred into the fund by the Mississippi Department of Transportation as required by paragraph (b) of this subsection and shall be utilized to pay a portion of the principal of and interest on bonds issued under this section. Unexpended amounts remaining in the bond sinking fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the bond sinking fund shall be deposited into the bond sinking fund.

(b) Beginning in the fiscal year during which the bonds authorized to be issued by this section are issued, and each fiscal year thereafter until the principal and interest on such bonds is paid, the Mississippi Department of Transportation shall transfer, from any available funds, an amount equal to Five Million Dollars (\$5,000,000.00), into the Mississippi Highway Construction, Bridge Rehabilitation and State Aid Road Bond Sinking Fund. The transfer of funds required by this paragraph shall be made by the department at such times as the State Treasurer shall require.

(6) (a) (i) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsections (2), (3) and (4) of this section. Upon the adoption of a resolution by the Mississippi Transportation Commission* * * declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section for the purposes described in subsections (2),

(3) and (4) of this section, the Mississippi Transportation Commission shall deliver a certified copy of its resolution or resolutions to the commission. If the resolution adopted by the Mississippi Transportation Commission is requesting the issuance of bonds for the purposes described in subsections (2) and (3) of this section, the resolution shall contain a list of the projects proposed to be funded by the issuance of bonds under this section; however, the list of projects in the resolution shall not control or restrict the expenditure of the funds and the expenditure of such funds shall be governed by the provisions of subsections (2) and (3) of this section. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for the sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds.

(ii) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purpose of providing additional funds for deposit into the State Aid Road Fund in the State Treasury. Upon the adoption of a resolution by the Office of State Aid Road Construction* *
* declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section for deposit into the State Aid Road Fund, the Office of State Aid Road Construction shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for the sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds.

(iii) The total amount of bonds issued under this section shall not exceed One Hundred Eighty Million Dollars (\$180,000,000.00). No bonds shall be issued under this section after July 1, 2014.

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(b) The proceeds of the bonds issued pursuant to this section shall be deposited into the following special funds in not more than the following amounts:

(i) The State Highway Bridge Rehabilitation Fund created pursuant to subsection (2) of this section..... \$100,000,000.00.

(ii) The Vision 21 High Priority Projects Fund created pursuant to subsection (3) of this section..... \$ 50,000,000.00.

(iii) The Camp Shelby Access Improvement Fund created pursuant to subsection (4) of this section..... \$ 10,000,000.00.

(iv) The State Aid Road Fund in the State Treasury..... \$ 20,000,000.00.

(c) Any investment earnings on bonds issued pursuant to this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(7) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(8) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of

such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(9) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(10) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

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(11) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds in the bond sinking fund created in subsection (5) of this section and any funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(12) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special funds created in subsections (2), (3) and (4) of this section and the State Aid Road Fund in the State Treasury in the amounts provided for in subsection (6) (b) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Mississippi Transportation Commission or the Office of State Aid Road Construction, as the case may be, under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(13) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(14) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(15) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(16) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(17) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(18) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(19) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(20) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 40. Sections 1 through 24, Chapter 522, Laws of 2003, as amended by Chapter 411, Laws of 2004, as amended by Section 186, Chapter 1, Laws of 2004 Third Extraordinary

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Session, as amended by Section 14, Chapter 538, Laws of 2006, as amended by Section 21, Chapter 580, Laws of 2007, as amended by Section 21, Chapter 480, Laws of 2011, are amended as follows:

Section 1. As used in Sections 1 through 24 of this act, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

Section 2. (1) (a) A special fund to be designated as the "2003 IHL and State Agencies Capital Improvements Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(b) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, with the approval of the Board of Trustees of State Institutions of Higher Learning on those projects related to the universities under its management and control, to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities for agencies or their successors as hereinafter described:

NAME PROJECT	AMOUNT ALLOCATED
INSTITUTIONS OF HIGHER	
LEARNING.....	\$ 63,760,000.00
Alcorn State University	\$ 2,500,000.00
Complete renovation of the baseball	

field, to include dugouts,
bleachers,
concession stands, backstops
and fencing \$ 500,000.00
Repair and renovation of campus
buildings and facilities and
repair,
renovation, replacement and
improvement
of campus infrastructure \$ 2,000,000.00
Delta State University \$ 6,200,000.00
Construction of new campus
buildings and facilities, and
repair, renovation, replacement
and improvement of campus
infrastructure, including
repairs and renovations of
the Chadwick-Dickson
Building \$ 3,000,000.00
Repair, renovation and
restoration of the
Cutrer House at the
Clarksdale Center and
repair, renovation and
restoration of the Coahoma
Community College - Delta
State University Education
Center \$ 2,500,000.00
Purchase of two (2) airplanes
and three (3) flight
simulators or refurbishing
flight simulators for the
Gibson-Gunn Aviation
School \$ 700,000.00
Jackson State University \$ 6,400,000.00
Acquisition of land adjacent
to campus in the surrounding

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neighborhood \$ 500,000.00
Parking construction, paving
and
repair and renovation of campus
buildings and facilities \$ 1,500,000.00
Acquisition and installation
of any equipment necessary
in establishing and maintaining
a digital transmission system
for TV23 \$ 1,000,000.00
Construction of a new
baseball stadium and field
and related facilities \$ 1,500,000.00
Work necessary to correct
drainage problems on the
west side of the campus \$ 400,000.00
Phase II of construction of
the Lynch Street Corridor
Project, including landscaping
and irrigation for the
project \$ 1,500,000.00
Mississippi University for
Women..... \$ 4,500,000.00
Repair and renovation of
Martin Hall for
purpose of housing the
School of Nursing \$ 4,500,000.00
Mississippi State University \$ 8,960,000.00
Phase I of repair and renovation
of Colvard Student
Union \$ 8,000,000.00
Expansion of the North
Mississippi Research
and Extension Center \$ 960,000.00
Mississippi State University/
Division of Agriculture,

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Forestry and Veterinary
Medicine..... \$ 4,750,000.00
Phase I construction of
a new building for the
Department of
Agricultural and
Biological Engineering \$ 4,750,000.00
Mississippi Valley State
University..... \$ 5,000,000.00
Repair and renovation of campus
buildings and facilities and
repair, renovation, replacement
and improvement of campus
infrastructure \$ 4,000,000.00
Design through construction
documents and Phase I of
construction of a wellness
center \$ 1,000,000.00
University of Mississippi \$ 9,000,000.00
Renovation of Farley Hall \$ 5,000,000.00
Final phase of renovation
of Bryant Hall \$ 2,500,000.00
Final phase of relocation
of the Physical Plant \$ 1,000,000.00
Repair and renovation of campus
buildings and facilities and
repair, renovation, replacement
and improvement of campus
infrastructure \$ 500,000.00
University Medical Center \$ 4,000,000.00
To aid in the purchase or,
to construct, furnish and
equip a clinical/teaching
facility as determined by
the Vice-Chancellor for
Health Affairs for the
University Medical Center

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to be in the best interest of
the University Medical Center
and approved by the Board
of Trustees of State
Institutions of
Higher Learning \$ 4,000,000.00
University of Southern
Mississippi..... \$ 8,000,000.00
Repair and renovation of the
Reed Green Multipurpose
Facility \$ 3,000,000.00
Completion of construction
of the Polymer Institute
Product Process Unit/Building
to house donated equipment
from industry \$ 2,000,000.00
Repair and renovation of
campus buildings, facilities
and infrastructure \$ 3,000,000.00
University of Southern
Mississippi/
Gulf Coast Campuses \$ 2,000,000.00
Facility repairs, replacements
and upgrades \$ 2,000,000.00
University of Southern
Mississippi/
Gulf Coast Research Laboratory \$ 750,000.00
Repair and renovation of campus
buildings and facilities and
repair, renovation, replacement
and improvement of campus
infrastructure \$ 750,000.00
University of Southern
Mississippi/
Stennis Space Center \$ 1,000,000.00
Completion of expansion,
furnishing and equipping

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of the High Performance	
Visualization Center	\$ 1,000,000.00
Education and Research Center	\$ 700,000.00
Repair, renovation, furnishing and equipping of buildings, facilities and infrastructure	\$ 700,000.00
STATE AGENCIES	\$ 55,434,000.00
Department of Human Services	\$ 2,000,000.00
Renovation of cottages and construction of a visitors center and staff housing at Columbia and Oakley Training Schools	\$ 2,000,000.00
Department of Public Safety	\$ 1,000,000.00
Construction of a vehicle maintenance facility	\$ 1,000,000.00
Department of Agriculture and Commerce.....	\$ 4,000,000.00
Repair, renovation, replacement, demolition, improvement and upgrade of facilities and infrastructure at the State Fairgrounds and construction of facilities necessary to relocate the retail portion of the Mississippi Farmers Central Market to the State Fairgrounds	\$ 4,000,000.00
Department of Education	\$ 2,984,000.00
Renovation, furnishing and equipping of Dobyns Hall and a physical education facility at the Mississippi Schools for the Blind and Deaf	\$ 1,984,000.00
Equipping, furnishing and other	

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start-up costs for the
Mississippi School for the
Arts, including,
but not limited to, computer
equipment; visual art, music
and theater supplies; cafeteria
equipment and supplies;
textbooks; classroom supplies;
infirmary and residential
life supplies \$ 1,000,000.00
Department of Mental Health \$ 6,200,000.00
Completion of construction
of mental health crisis
intervention centers first
authorized by Chapter 463,
Laws of 1999 \$ 2,400,000.00
General repairs
and renovations and completion
of previously authorized
projects \$ 1,400,000.00
Completion of furnishing and
equipping of nursing
home facilities at
the East Mississippi
State Hospital \$ 1,000,000.00
Construction, furnishing and
equipping of two (2)
intermediate care facilities
for the mentally retarded
(community group homes) \$ 1,400,000.00
Department of Finance and..... \$ 19,500,000.00
Administration.....
Completion of construction,
equipping
and furnishing of a justice
facility to accommodate the
Supreme Court, Court of Appeals

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and State Law Library \$ 16,000,000.00
Acquisition of real property
and improvements located
thereon in the vicinity of the
New Capitol for use as
part of the Capitol
Complex \$ 1,000,000.00
To continue an ongoing program
for
repair and renovation of
state-owned
facilities necessary for
compliance with the Americans
With Disabilities Act \$ 1,000,000.00
To continue an ongoing program
for
repair and renovation of state
institutions of higher learning
necessary for compliance with
the Americans With Disabilities
Act \$ 1,000,000.00
Development of requirements
and Phase I of the
implementation of a
construction and property
management information
system \$ 500,000.00
Department of Wildlife,..... \$ 750,000.00
Fisheries and Parks.....
Construction, furnishing and
equipping of two (2) duplex
cabins at Trace State Park
and utility connections,
road extensions and
parking areas for
such cabins \$ 325,000.00
Construction, furnishing and

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equipping of two (2) duplex
cabins at Lake Lowndes State
Park and utility connections,
road extensions and parking
areas for such cabins \$ 325,000.00

A proposed plan which the
Department

of Wildlife, Fisheries and Parks
shall provide not later than
December 1, 2003, for an eighty-
to one-hundred-fifty-acre
general

purpose lake located in,
adjacent
to or in close proximity to the
Tuscumbia Wildlife Management
Area located in Alcorn County,
Mississippi

This plan shall

consist of an exact location
for the proposed lake with
detailed property descriptions,
preliminary plans and
specifications

for the lake and shall be made
available not later than

December 1, 2003 \$ 100,000.00

Mississippi Forestry

Commission..... \$ 1,000,000.00

Repair, renovation of equipment
storage facilities and
equipping of facilities
and construction of new
storage facilities

and related costs \$ 1,000,000.00

State Veterans Affairs Board \$ 900,000.00

Repair and renovation of the

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state veterans homes	\$ 900,000.00
Mississippi Library Commission	\$ 3,500,000.00
Furnishing and equipping of the new Mississippi Library Commission Building and moving/relocation expenses and other necessary expenses associated with such facility	\$ 3,000,000.00
Acquiring and implementing a statewide, technology standards-compliant interlibrary loan/book-sharing system	\$ 500,000.00
Mississippi National Guard	\$ 1,900,000.00
Provide matching funds to the National Guard for construction of an armory in Kosciusko, Mississippi	\$ 1,400,000.00
Provide matching funds to the National Guard for armory maintenance and repair projects	\$ 500,000.00
Department of Archives and History.....	\$ 1,500,000.00
Finalization of architectural and exhibit design through construction documents and limited site preparation/ improvement for the new State Historical Museum authorized by Chapter 560, Laws of 1998	\$ 1,500,000.00
Department of Information Technology Services.....	\$ 1,900,000.00
Phase I of installation of	

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communications infrastructure and related equipment at the Capitol Complex, the Education and Research Center Campus and other state buildings and connections between such locations	\$ 1,900,000.00
Mississippi Veterinary Diagnostic Laboratory.....	\$ 6,000,000.00
Phase II of construction, furnishing and equipping and moving and relocation of the Mississippi Veterinary Diagnostic Laboratory in Jackson and related expenses	\$ 6,000,000.00
State Fire Academy	\$ 2,300,000.00
Construction, equipping and furnishing a new burn building with gas fire simulators and other related facilities at State Fire Academy in Rankin County	\$ 2,300,000.00
TOTAL	\$ 119,194,000.00

(2) (a) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in subsection (1) of this section. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under Sections 1 through 24 of this act are deposited into the special fund, then the agency or institution of higher learning for which any unused monies are allocated under subsection (1) of this section shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in subsection (1) of this section shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on

the bonds issued under Sections 1 through 24 of this act, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(b) Monies in the special fund may be used to reimburse reasonable actual and necessary costs incurred by the Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, in administering or providing assistance directly related to a project described in subsection (1) of this section. Reimbursement may be made only until such time as the project is completed. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each project by the Department of Finance and Administration, Bureau of Building, Grounds and Real Property Management. Reimbursement of reasonable actual and necessary costs for a project shall not exceed three percent (3%) of the proceeds of bonds issued for such project. Monies authorized for a particular project may not be used to reimburse administrative costs for unrelated projects.

(3) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(4) Any amounts allocated to an agency or institution of higher learning that are in excess of that needed to complete the projects at such agency or institution of higher learning that are described in subsection (1) of this section may be used for general repairs and renovations or previously authorized capital projects at the agency or institution of higher learning to which such amount is allocated.

(5) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is authorized to preplan or continue planning of the following projects:

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(a) Continuation of preplanning of Phase I of repair and renovation or construction of dining facilities at Alcorn State University;

(b) Construction of a new men's dormitory at Alcorn State University;

(c) Renovation of Dansby Hall, Johnson Hall and Charles Moore Hall at Jackson State University;

(d) Renovation of Poindexter Hall at the Mississippi University for Women; and

(e) Relocation of State Records Center.

The projects authorized in this subsection shall be in addition to the projects authorized in subsection (1) of this section.

(6) The use of monies allocated to Delta State University under subsection (1) of this section for use at the Coahoma Community College - Delta State University Education Center shall be conditioned upon Coahoma County, Mississippi, providing matching funds in an amount not less than the monies allocated to such center under subsection (1) of this section.

Section 3. (1) (a) A special fund to be designated as the "2003 Community and Junior Colleges Capital Improvements Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under Sections 1 through 24 of this act.

(b) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of acquisition of real property, construction of new facilities, equipping and furnishing facilities, including furniture and technology equipment and infrastructure, and addition to or renovation of existing facilities for community and junior college campuses as recommended by the State Board for Community and Junior Colleges. The amount to be expended at each community and junior college is as follows:

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Coahoma.....	\$ 578,799.00
Copiah-Lincoln.....	\$ 683,117.00
East Central.....	\$ 614,715.00
East Mississippi.....	\$ 709,527.00
Hinds.....	\$ 1,341,127.00
Holmes.....	\$ 738,315.00
Itawamba.....	\$ 776,873.00
Jones.....	\$ 930,845.00
Meridian.....	\$ 710,056.00
Mississippi Delta.....	\$ 747,822.00
Mississippi Gulf Coast.....	\$ 1,185,439.00
Northeast Mississippi.....	\$ 742,672.00
Northwest Mississippi.....	\$ 949,992.00
Pearl River.....	\$ 716,262.00
Southwest Mississippi.....	\$ 574,439.00

GRAND TOTAL.....\$ 12,000,000.00

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in subsection (1) of this section. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under Sections 1 through 24 of this act are deposited into the special fund, then the community college or junior college for which any such monies are allocated under subsection (1) of this section shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in subsection (1) of this section shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under Sections 1 through 24 of this act, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section.

The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

Section 4. (1) (a) A special fund to be designated as the "2003 Mississippi State-Owned Buildings and IHL Repair and Renovation Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(b) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of repair and renovation of state-owned buildings and facilities, and repair and renovation of state institutions of higher learning, including having environmental studies or other studies performed for the purpose of determining, assessing and/or correcting problems regarding black mold and other hazardous substances; however, Five Hundred Thousand Dollars (\$500,000.00) shall be disbursed by the Department of Finance and Administration to pay the cost of repairs and renovations at the Mississippi School for the Deaf and the Mississippi School for the Blind.

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in subsection (1) of this section. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under Sections 1 through 24 of this act are deposited into the special fund, then the Department of Finance and Administration shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in subsection (1) of this section shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under Sections 1 through 24 of this act, in accordance with

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the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

Section 5. (1) (a) A special fund to be designated as the "2003 Ayers Settlement Agreement Capital Improvements Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under this section.

(b) Monies deposited into the fund shall constitute Ayers bond revenues to be disbursed by the Department of Finance and Administration to pay the costs of capital improvements at Alcorn State University, Jackson State University and Mississippi Valley State University as recommended by the Board of Trustees of State Institutions of Higher Learning in order to comply with the Settlement Agreement in the case of Ayers v. Musgrove.

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in subsection (1) of this section.

(3) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund

shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(4) It is the intent of the Legislature that not less than ten percent (10%) of the amounts authorized to be expended in this section shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small Business Act (15 USCS, Section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this subsection.

Section 6. (1) (a) A special fund to be designated as the "2003 Mississippi EDNET Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under this section.

(b) Monies deposited into the fund shall be disbursed by the Department of Finance and Administration to the Mississippi EDNET Institute, to pay the costs of engineering, procuring and installing equipment and facilities consisting of digital microwave interconnect and support equipment, digital video encoding and decoding equipment, digital ITFS transmission equipment, antennas and transmission lines and/or any equipment useful in establishing or maintaining a digital or analog transmission or origination system in order to complete the existing but incomplete EDNET ITFS statewide network.

(2) Amounts deposited into such special fund shall be disbursed to the Mississippi EDNET Institute to pay the costs of projects described in subsection (1) of this section.

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(3) The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer to the Mississippi EDNET Institute upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

Section 7. (1) (a) A special fund to be designated as the "2003 Chalmers Institute Repair and Renovation Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under this section.

(b) Monies deposited into the fund shall be disbursed by the Department of* * * Archives and History, to pay the costs of repairs and renovations of the Chalmers Institute in Holly Springs, Mississippi.

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in subsection (1) of this section.

(3) The* * * Department of Archives and History is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be under the direction of the Department of* * * Archives and History, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

Section 8. (1) (a) A special fund to be designated as the "2003 Hillcrest Cemetery Repair Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or

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investment earnings on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under this section.

(b) Monies deposited into the fund shall be disbursed by the Department of Finance and Administration to the City of Holly Springs, Mississippi, to pay the costs of repairs to the historical portion of the Hillcrest Cemetery.

(2) Amounts deposited into such special fund shall be disbursed by the Department of Finance and Administration to pay the costs of projects described in subsection (1) of this section.

(3) Such funds shall be paid by the State Treasurer to the City of Holly Springs, Mississippi, upon warrants issued by the Department of Finance and Administration, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

Section 9. (1) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in Sections 2, 3, 4, 6, 7 and 8 of this act. Upon the adoption of a resolution by the Department of Finance and Administration* * * declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. Except as otherwise provided in Section 10 of this act, the total amount of bonds issued under Sections 1 through 24 of this act shall not exceed One Hundred Thirty-nine Million Four Hundred Eighty-four Thousand Dollars (\$139,484,000.00). No bonds shall be issued under this section after July 1, 2008.

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(2) The proceeds of the bonds issued pursuant to Sections 1 through 24 of this act shall be deposited into the following special funds in not more than the following amounts:

(a) The 2003 IHL Capital and State Agencies Improvements Fund created pursuant to Section 2 of this act..... \$119,194,000.00.

(b) The 2003 Community and Junior College Capital Improvements Fund created pursuant to Section 3 of this act..... \$ 12,000,000.00.

(c) The 2003 Mississippi State-Owned Buildings and IHL Repair and Renovation Fund created pursuant to Section 4 of this act..... \$ 3,000,000.00.

(d) The 2003 Mississippi EDNET Fund created pursuant to Section 6 of this act..... \$ 900,000.00.

(e) The 2003 Chalmers Institute Repair and Renovation Fund created pursuant to Section 7 of this act. \$ 90,000.00.

(f) The 2003 Hillcrest Cemetery Fund created pursuant to Section 8 of this act..... \$ 300,000.00.

(g) The Rural Fire Truck Fund created pursuant to Section 17-23-1 for the rural fire truck acquisition assistance program..... \$ 4,000,000.00.

(3) Any investment earnings on amounts deposited into the special funds created in Sections 2, 3, 4, 6, 7 and 8 of this act shall be used to pay debt service on bonds issued under Sections 1 through 24 of this act, in accordance with the proceedings authorizing issuance of such bonds.

Section 10. (1) The United States District Court for the Northern District of Mississippi having approved the Settlement Agreement in the case of Ayers v. Musgrove and on notification that such agreement has become final and effective according to its terms, including, but not limited to, the exhaustion of all rights to appeal, the commission, at one time, or from time to time, shall declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in Section 5 of this act. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance

and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued pursuant to this section shall not exceed Fifteen Million Dollars (\$15,000,000.00).

(2) The proceeds of the bonds issued pursuant to this section shall be deposited into the special fund created in Section 6 of this act. Any investment earnings on amounts deposited into the special fund created in Section 5 of this act shall be used to pay debt service on bonds issued under Sections 1 through 24 of this act, in accordance with the proceedings authorizing the issuance of such bonds.

Section 11. The principal of and interest on the bonds authorized under Sections 1 through 24 of this act shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

Section 12. The bonds authorized by Sections 1 through 24 of this act shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such

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bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

Section 13. All bonds and interest coupons issued under the provisions of Sections 1 through 24 of this act have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by Sections 1 through 24 of this act, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

Section 14. The commission shall act as the issuing agent for the bonds authorized under Sections 1 through 24 of this act, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under Sections 1 through 24 of this act from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public sale, and for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale shall be made at a price less than par plus accrued interest to the date of delivery of the bonds to the purchaser. All interest accruing on such bonds so issued shall be payable semiannually or annually; however, the first interest payment may be for any period of not more than one (1) year.

Notice of the sale of any such bonds shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, and in one or more other newspapers or financial journals with a national circulation, to be selected by the commission.

The commission, when issuing any bonds under the authority of Sections 1 through 24 of this act, may provide that bonds,

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at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

Section 15. The bonds issued under the provisions of Sections 1 through 24 of this act are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

Section 16. Upon the issuance and sale of bonds under the provisions of Sections 1 through 24 of this act, the commission shall transfer the proceeds of any such sale or sales to the special funds created in Sections 2, 3, 4, 5, 6, 7 and 8 of this act in the amounts provided for in Sections 9(2) and 10 of this act. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

Section 17. The bonds authorized under Sections 1 through 24 of this act may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by Sections 1 through 24 of this act. Any resolution providing for the issuance of bonds under the provisions of Sections 1 through 24 of this act shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

Section 18. The bonds authorized under the authority of Sections 1 through 24 of this act may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such

statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

Section 19. Any holder of bonds issued under the provisions of Sections 1 through 24 of this act or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under Sections 1 through 24 of this act, or under such resolution, and may enforce and compel performance of all duties required by Sections 1 through 24 of this act to be performed, in order to provide for the payment of bonds and interest thereon.

Section 20. All bonds issued under the provisions of Sections 1 through 24 of this act shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

Section 21. Bonds issued under the provisions of Sections 1 through 24 of this act and income therefrom shall be exempt from all taxation in the State of Mississippi.

Section 22. The proceeds of the bonds issued under Sections 1 through 24 of this act shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

Section 23. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under Sections 1 through 24 of this act; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

Section 24. Sections 1 through 24 of this act shall be deemed to be full and complete authority for the exercise of

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the powers herein granted, but this act shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 41. Section 57-1-221, Mississippi Code of 1972, is amended as follows:

57-1-221. (1) As used in this section:

(a) "Approved business enterprise" means any project that:

(i) Locates or expands in this state and creates a minimum of two hundred fifty (250) new, full-time jobs with a total capital investment in the state of a minimum of Thirty Million Dollars (\$30,000,000.00) in Tier 1 or Tier 2 counties;

(ii) Locates or expands in this state and creates a minimum of one hundred fifty (150) new, full-time jobs with a total capital investment in the state of a minimum of Fifteen Million Dollars (\$15,000,000.00) in areas federally designated as low-income census tracts;

(iii) Locates or expands in this state and creates a minimum of one thousand (1,000) new, full-time jobs; or

(iv) Locates or expands in this state with significant regional impact as determined by MDA.

(b) "MDA" means the Mississippi Development Authority.

(c) "Facility related to the project" means and includes any of the following, as they may pertain to the project:

(i) Facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project;

(ii) Building facilities and equipment necessary to operate the facility;

(iii) Rail lines;

(iv) Airports, airfields, air terminals and port facilities;

(v) Highways, streets and other roadways; and

(vi) Fire protection facilities, equipment and elevated water tanks.

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(d) "Project" means any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise that is approved by the MDA.

(2) (a) There is created a special fund in the State Treasury to be known as the Mississippi Industry Incentive Financing Revolving Fund which shall consist of money from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Money in the fund shall be disbursed by the Mississippi Development Authority for the purposes authorized in subsection (3) of this section.

(b) Money in the fund that is derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA in providing grants or loans under this section through the use of general obligation bonds. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each grant or loan by the MDA. Reimbursement of reasonable actual and necessary costs for assistance shall not exceed three percent (3%) of the proceeds of bonds issued for such assistance. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a program to make grants or loans from the Mississippi Industry Incentive Financing Revolving Fund to local governments, including, but not limited to, counties, municipalities, industrial development authorities and economic development districts, and approved business enterprises to construct or otherwise provide facilities related to the project. Local governments are authorized to accept grants and enter into loans authorized under the program, and to sell, lease or otherwise dispose of a project or any property related to the project in whole or in part.

(4) (a) Any business enterprise or local government desiring a grant or loan under this section shall submit an application to the MDA which shall include, at a minimum:

(i) Evidence that the business or industry meets the definition of an approved business enterprise;

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(ii) A description, including the cost, of the requested assistance;

(iii) A description of the purpose for which the assistance is requested; and

(iv) Any other information required by the MDA.

(b) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(c) Upon receipt of the application from a business enterprise or local government for a grant or loan under this section, the MDA shall determine whether the enterprise meets the definition of an approved business enterprise and determine whether to provide the assistance requested in the form of a grant or a loan.

(d) The MDA shall have sole discretion in providing grants or loans under this section. The terms of a grant or loan provided under this section and the manner of repayment of any loan shall be within the discretion of the MDA. Repayments of loans made under this section shall be deposited to the credit of the Mississippi Industry Incentive Financing Revolving Fund until the uncommitted balance in the fund reaches Fifty Million Dollars (\$50,000,000.00). Once the uncommitted balance in the fund reaches Fifty Million Dollars (\$50,000,000.00), repayments of loans under this section shall be deposited to the credit of Fund No. 3951 in the State Treasury to pay debt service on bonds until such time as the uncommitted balance in the fund falls below Fifty Million Dollars (\$50,000,000.00).

(e) The MDA shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the approval of any grant or loan application thirty (30) days prior to the disbursement of any money for the loan or grant from the Mississippi Industry Incentive Financing Revolving Fund. The notification shall identify the

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applicant and the purposes for which the loan or grant is made.

(5) (a) Contracts, by local governments, including, but not limited to, design and construction contracts, for the acquisition, purchase, construction or installation of a project shall be exempt from the provisions of Section 31-7-13 if:

(i) The MDA finds and records such finding on its minutes, that because of availability or the particular nature of a project, it would not be in the public interest or would less effectively achieve the purposes of this section to enter into such contracts on the basis of Section 31-7-13; and

(ii) The approved business enterprise that is involved in the project concurs in such finding.

(b) When the requirements of paragraph (a) of this subsection are met:

(i) The requirements of Section 31-7-13 shall not apply to such contracts; and

(ii) The contracts may be entered into on the basis of negotiation.

(6) It is the policy of the MDA and the MDA is authorized to accommodate and support any enterprise that receives a loan under this section for a project defined in Section 17-25-23 that wishes to have a program of diversity in contracting, and/or that wishes to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small Business Act (15 USCS 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this subsection.

(7) The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of this section.

SECTION 42. (1) When a request for proposals for bond counsel for a general obligation or revenue bond issue is

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issued on behalf of the State Bond Commission, the request for proposal shall be posted on the website of the Department of Finance and Administration and the State Treasurer.

(2) Once bond counsel is selected for a bond issue, the name and address of the counsel selected shall be posted on the website of the Department of Finance and Administration and the State Treasurer. The amount of any payments made to bond counsel for his or her services as bond counsel shall be posted on the website of the Department of Finance and Administration and the State Treasurer.

SECTION 43. Section 7-1-403, Mississippi Code of 1972, is amended as follows:

7-1-403. (1) The Bond Advisory Division is hereby granted the authority and charged with the responsibility to perform the following duties:

(a) To maintain a close working relationship with agencies authorized to incur bonded indebtedness in order to know the probable schedule for the issuance of bonds so that coordination may be accomplished for orderly issuance.

(b) To require all state agencies authorized to incur bonded indebtedness, in addition to cooperation required in subsection (a), to submit written notice of intent to sell bonds at least thirty (30) days prior to requesting the State Bond Commission to approve the sale of such bonds. Such notification shall contain such information as may be required by the director.* * * However, with the concurrence of the State Fiscal* * * Officer, in cases of emergency the requirement of thirty (30) days' notice may be waived by the director.

(c) To require all state agencies or political subdivisions to submit annual financial reports, and such other interim reports as deemed necessary, on projects financed by state revenue bonds or by state bonds which have the general obligation pledge of the state, but which are primarily backed by specified revenues.

(d) To maintain a complete record of all outstanding state bonds.* * * The record shall include, but shall not be limited to, the following:

(i) Amount of principal of the bonds issued* * * and the rates of interest;

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(ii) Dates the bonds were issued* * *, the term or terms of the bonds* * *, and maturities;

(iii) The overall average interest rate to be paid on each issue;

(iv) The name of the paying agent;

(v) The trustees named to administer the issue* * * and the pledges securing such bonds;

(vi) The statutes under which such bonds were issued and the statutory authority for all bonds authorized, whether issued or unissued.

(e) To maintain a close working relationship with the* * * Mississippi Development Authority, the* * * University Research Center and the Commissioner of Revenue in order to obtain current information concerning the economic, financial and growth conditions of the state and such other information necessary to properly comply with the intent of Sections 7-1-401 and 7-1-403.

(f) To receive the cooperation of all state agencies and institutions in accumulating the information required by Sections 7-1-401 and 7-1-403.

(g) To make continuing studies and investigations of government bond interest costs throughout the United States of America and to advise the Governor, the State Bond Commission and the Legislature concerning market conditions and credit condition of the state.

(h) To contract with the* * * Department of Information Technology Services for such data processing or computer services as are necessary in providing complete, current and accurate information regarding bonds issued, maturity dates, interest costs, bond market trends and other data necessary for the proper management of the state's debt and investments of state funds.

(i) To issue rules and regulations as are necessary for the enforcement of the provisions of Sections 7-1-401 and 7-1-403.

(j) To investigate and require reports covering proposed transactions involving refunding bond issues, bond exchanges, bond trades, bond "swaps," redemptions, etc., which may be engaged in with regard to any state bond.

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(k) To keep the Governor, Bond Commission and the Legislature informed regarding the credit outlook for the state and to furnish whatever information the Legislature requests which is required to be maintained under Sections 7-1-401 and 7-1-403.

(l) To maintain a personal relationship with rating agencies and state bond investors, including the responsibility to invite people in the national financial community to visit our state in order for them to better understand our undertakings, and to incur and pay all expenses in connection with the administration and function of the division, including information meetings or other appropriate forms of communication. All such expenses for these trips shall be paid from appropriations made for the operation of this division.

(m) To cooperate with and provide assistance to counties, municipalities and other political subdivisions when the respective governing authorities request such assistance regarding matters of financial and credit administration and in the preparation of materials and information required to be used in connection with credit ratings and the sale of bonds.

(n) To perform such other duties and acts necessary to carry out the intent of Sections 7-1-401 and 7-1-403.

(o) To maintain a complete record of the name and business address of any person, firm, corporation or other entity deriving any income for services performed with respect to any bonds issued after* * * May 16, 1988, by the State Bond Commission, State Development Bank, Mississippi Housing Finance Corporation, Certified Development Company of Mississippi, Inc., Mississippi Hospital Equipment and Facilities Authority or any other entity issuing bonds or notes of the State of Mississippi. The report shall specify the amount of funds, whether from bond proceeds or otherwise, paid or to be paid to each such person or entity for services performed for each such bond issue. The initial report shall be made available on or before January 15, 1989, to the Clerk of the House of Representatives and to the Secretary of the Senate. All subsequent updated reports shall be* * * submitted on or before January 15 of each year* * * to the Clerk of the House of Representatives, the Secretary of the Senate, the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee. The State

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Bond Attorney shall annually compile a list of all local bond issues, itemizing the name of the issuer, a description of the issue, the amount of the bonds issued and the name and address of the person acting as bond counsel on the issue. Such list shall be submitted on or before January 15 of each year to the Clerk of the House of Representatives, the Secretary of the Senate, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, and the Joint Performance Evaluation and Expenditure Review Committee (PEER). The reports required to be compiled pursuant to this paragraph shall be posted on the Department of Finance and Administration's website by not later than January 15 of each year.

SECTION 44. Section 38 of this act shall take effect and be in force from and after July 1, 2013, and the remainder of this act shall take effect and be in force from and after its passage.

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